NORTH AMERICAN REVIEW

No. DCXLI.

APRIL, 1909.

INSURANCE SUPERVISION AND NATIONAL IDEALS.*

BY DARWIN P. KINGSLEY, PRESIDENT OF THE NEW YORK LIFE-INSURANCE COMPANY.

WITHIN twenty-five years what may be called the "insurance principle" has come to be a notable factor in the traffic, credits, commerce and family life of this country. Invited by trunk-line railroads, the telegraph, the telephone and the encouragement of a homogeneous people, the tendency of all our activities has been to expand. Insurance has kept pace with the opportunity. It now has, through its various forms, relations with substantially every man, woman and child in the Republic, and has large international relations as well. It operates everywhere under governmental supervision. In this country alone it must obey the behests of forty-six different Legislatures, each of which claims sovereign authority not only over its activities in that particular State, but, in effect, over all its activities throughout the world. A mere statement of the situation prepares the mind for the confusion and injustice which characterize insurance supervision as it exists to-day in the United States.

* The substance of this article was delivered as an address before the University of Missouri, on February 16th, 1909.

Copyright, 1909, by THE NORTH AMERICAN REVIEW PUBLISHING COMPANY All Rights Reserved.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The problem which faces the management of every active insurance company is, How may it profitably, effectively and peacefully serve forty-six masters? The problem is unsolvable. Under the present practice of insurance supervision, there is no remedy. But there is elsewhere a remedy, and, to many people, it seems to be the only remedy, *viz.*, Federal supervision of interstate insurance.

I by no means think that Federal supervision would bring in the millennium, but it would be a long step away from the chaotic and destructive tendencies which have developed under the existing plan. Is Federal supervision possible? In view of the decision of the Supreme Court—made not once, but several times—is there any probability of such relief?*

Relief through an amendment to the Constitution of the United States would be effective, but that is practically unattainable and probably unnecessary.

Is there not a great deal in the history of the nation, in the development of national sentiment and national ideals, since the Constitution was adopted, which suggests not only the probability, but, under an increasing necessity, the certainty that interstate insurance will ultimately come under Federal control? I think, and I shall endeavor to show, that there is.

To one who studies the history of the nation under the Constitution, it is perfectly clear that, but for the wisdom of the great men who interpreted that immortal instrument during the early years of its operation, national development might have taken on a form that would have defeated the purposes of the men who planned it. It is probable that we as a people owe almost as much to Marshall, the great Chief Justice, who gave the Constitution its national meaning, as to the men who drafted it. The doctrine which Marshall laid down, which has now come to be perhaps as fixed in its meaning as the Constitution itself, is substantially this:

"The action of the General Government should be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally; while to the States is reserved the control of those matters which are completely within a particular State, which do not affect other States, and with which it is not necessary to inter-

* Paul *v.* Virginia, 8 Wallace, 168; Hooper *v.* California, 155 U. S., 646; Cravens *v.* New York Life-Ins. Co., 176 U. S., 962.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fere for the purpose of executing some of the general powers of the Government."*

Many of the problems which have arisen since the adoption of the Constitution involve the question of whether it is necessary for the General Government to "interfere" with certain business activities for the purpose of executing some of its general powers. Is it necessary now, is it likely to become increasingly necessary, that the Government should interfere in insurance for the purpose of executing some of its general powers?

In order to consider what the probabilities of Federal supervision are, it will be profitable to review briefly some of the things that have happened in the course of our national development.

The radical difference between government as it existed under the old Confederation and government as it has grown up under our Constitution is this: The Confederation was strictly a union between independent States acting as States; our present government is a union between States in which the Central Government acts directly upon the individual citizen, and not upon the States composing the union.

The difference between the two kinds of government does not at first blush seem to be great, but, as a matter of fact, the two types are almost as far apart as the poles.

The departure involved in the new type was much clearer to our forefathers than it is to us. Under the Confederation they had won independence. They recognized the pressing need of a different and a stronger plan, but about the old plan clustered traditions and the memory of struggles which went back almost to Jamestown and to Plymouth. In order to create the beginnings of a nation, they had to exercise a forbearance, a charity and a wisdom, which are a constant source of wonder to the student of that period. The Constitution they evolved was a series of compromises—compromises between the larger and the smaller States, compromises with slavery, compromises all through. The great principle then adopted, however—which has more and more asserted itself, which has developed the instinct of nationality, which preserved the nation through a fearful war, which has developed it territorially from the Atlantic to the Pacific and across the Pacific—is that the General Government acts for the general welfare, that it acts directly on the

* Gibbons *v.* Ogden, 9 Wheaton, 1.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

individual and acts in whatever way may be necessary for it to act for the purpose of executing its general powers.

The people of the several States were passionately devoted to their local sovereignty. The project of a new style of government was commended to them, primarily, by the need of commercial peace between the States and with foreign countries. The situation substantially compelled them to recognize the necessity of a Central Government strong enough to keep the peace and regulate commercial intercourse. The Revolution itself had been largely brought about by commercial considerations. The British Government sought to keep the Colonies in subjection for purposes of favorable trade, and against this the Colonies rebelled. After independence had been won a situation bordering on anarchy quickly arose. Foreign countries were unwilling to enter into treaties with the United States under the articles of Confederation. The Confederation had no control over commerce, and commercial war in a variety of forms soon broke out. This condition, growing out of the feebleness of the Confederated Government, resulted in a deep and general conviction that commerce ought to be regulated by Congress, and found expression in the commerce clause of the Constitution. As to the breadth of the powers contained in this clause, Chief-Justice Marshall said:

> "It is not, therefore, a matter of surprise that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the States."

The departures of the new instrument from the old were so radical that many of the States hesitated about accepting them, and yet, as we can see now and as they came to see, there was nothing else for them to do. It was this or anarchy.

Steadily the national ideal gained ground. Slowly the General Government extended its operations from the external concerns of the nation and from those internal concerns which affect the States generally, to those with which it was necessary for it to interfere, and with which it had the right to interfere through its direct operation on the citizen, for the purpose of executing its general powers.

The burden of the new Government, with its more or less undefined relations to the States, with its powers undeveloped,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

soon fell on men who were supposed to be least in sympathy with the national idea. An emergency which put them to the test quickly arose. In the struggle for the possession of the Mississippi, Jefferson proposed, and Congress authorized, the purchase of the Island of Orleans and what was called West Florida. In the end they bought the whole ancient province of Louisiana, a tract of land richer and larger in area than the original thirteen States. Jefferson believed that in signing the treaty of purchase he had "done an act beyond the Constitution." He could find in the Constitution no authority for such a proceeding. His friends believed that in the treaty-making power he had sufficient authority, and Chief-Justice Marshall, in 1828, confirmed that view in an important decision when he said:

"The Constitution confers absolutely on the Government of the Union the powers of making war and making treaties; consequently, that Government possesses the power of acquiring territory either by conquest or treaty."

With an instinct which foreshadowed the decision of Marshall, the people had approved the act; they recognized that it was clearly in the line of national aspirations, that it tended to insure the peace and the safety of the Republic. This was perhaps the first great instance in which, by interpretation of the Constitution and by acquiescence on the part of the people, a way was found to extend the powers of the Government.

Following the path upon which Jefferson first entered, we purchased Florida, we discovered, explored and settled the Oregon country, we annexed Texas on the petition of its people. We acquired California, Nevada, Arizona, New Mexico and portions of Colorado and Oklahoma. We purchased Alaska. We annexed Hawaii on the petition of its *de facto* government. We took the Philippines, Porto Rico and Guam. And in five of these cases, additions to our territorial domain were made and the highest function of sovereignty was exercised when the Federal Government was under the control of the party popularly known as the party of strict construction.

Twelve amendments were made to the Constitution during the first fifteen years of its existence. During the next sixty-two years none was made. In this era the Constitution was being interpreted. The Executive and the Courts were slowly finding out the powers granted to them either specifically or by implica-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion, and they found all that was necessary to carry on the National Government. The growth of Federal power during that time was very great, and in that period the citizens of the States transferred to their national citizenship a large part of the love and reverence which they had formerly bestowed upon their State citizenship. The conviction constantly increased that, under the Union and the Constitution, there was, upon the whole, better freedom and greater happiness than could possibly be secured in any other way. The purchase of Louisiana and the second war with Great Britain led the administration irresistibly along the path of a liberal interpretation of the Constitution. They may not have altogether liked it. There was nothing else for them to do. The embargo which they had denounced in 1793, they employed in 1807. The United States Bank, which they had denounced in 1791 and refused to recharter in 1811, was rechartered by an almost unanimous vote in 1816. They followed so closely the lines laid down by the Federalists that Josiah Quincy declared the Republicans had out-Federalized Federalism. But the triumphs of both parties were the triumphs of national ideals.

The supreme event in the development of national ideals came to an issue in 1860. African slavery existed in every State of the Union but one when the Constitution was adopted, and its status under the new Government was one of the compromises of the Constitution. The words "slave" and "slavery" were carefully avoided in wording that instrument, and it was then the general opinion that the institution would gradually die out. The ordinance of 1787, one of the last enactments of the old Confederation, assented to by all the States, had consecrated the Northwest Territory to freedom, but the Louisiana Purchase contained no such provision, and over the settlement and government of that vast region was ultimately waged a conflict which tested the vitality and established the power of the nation. During the years which preceded this conflict, the anti-slavery party pursued its ideal of limiting slavery within a certain area, while the pro-slavery party persistently followed its purpose of protecting slavery in the unorganized territory of the country and in the erection of new slave States whenever the people so desired. Both parties claimed the sanction of the Constitution.

We sometimes lose sight of the great issue of that fearful strug-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

gle. We have just celebrated the centenary of the birth of Abraham Lincoln, whose election to the Presidency precipitated the conflict. We have heard much of Lincoln the "Emancipator," and we have been told that the Civil War was fought in order to abolish slavery. Lincoln knew better than this. He realized that the great thing to be done was to preserve the Union and the principles of government and of nationality which it embodied. When he thought that such action would help to save the Union, he issued the Emancipation Proclamation. But it was a war measure, distinctly unauthorized by the Constitution up to the time of the adoption of the Thirteenth Amendment.

Another long struggle which resulted in a great advance in national ideals took place in the field of finance. When the Constitution was adopted, the nation as such had no revenue, no credit. But Alexander Hamilton, the first and greatest Secretary of the Treasury, putting into effect the powers granted by the Constitution, soon wrought what seemed a miraculous change. As Webster said: "He smote the rock of the national resources, and abundant streams of revenue gushed forth. He touched the corpse of public credit, and it sprung upon its feet." One of the means employed was a United States Bank chartered by Congress. The strict constructionists contended that the Government had no authority to charter a bank. Its right to do so was upheld by the Supreme Court on the ground that it was a suitable agency in borrowing money, which the Government had an undoubted right to do. The contest was a long and bitter one, and the strict constructionists refused to recharter the bank in 1811, but were glad to do so in 1816 when the currency had been demoralized by the second war with Great Britain. Prosperity brought some abuses and all the old rancor, and the bank was discontinued in 1836, and an era of wild-cat money followed in certain sections which lasted until the Civil War. Again the banks suspended specie payments, and the Federal Government issued legal-tender notes, established the national banking system and finally taxed State bank issues. The first and last of these acts were opposed as unconstitutional, but they were upheld by the Supreme Court.* Thus what is peculiarly a prerogative of sover-

* McCulloch *v.* Maryland, 4 Wheaton, 316; Legal-Tender Cases, 12 Wallace, 457; 110 U. S., 447; National Bank *v.* United States, 101 U. S., 1.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

eignty was transferred from the States to the National Government through a process of interpretation, in response to national needs and through interference which was necessary in order to carry out the general powers of the Government.

Let us consider a little more closely the logic by which this great transformation was accomplished. We may find some comfort therein. Fifty years ago, if any one had said that within ten years we should have only national currency and none issued by State banks, he would have been laughed at. Where would Congress find authority to take this prerogative away from the States? Let us follow the Supreme Court's logic.

The Constitution gives Congress power "to borrow money on the credit of the United States and to coin money, regulate the value thereof, and of foreign coin." The Constitution as a whole makes the United States a sovereign nation. Now, notice the links in the chain of reasoning. Congress has power to borrow money; therefore, it may charter a bank as an aid in borrowing money. A bank so chartered may be taxed by the States only in such a manner as Congress permits. Congress may borrow money, and the United States is a sovereign nation; therefore, it may emit bills of credit and make them legal-tender. Congress has power to borrow money; therefore, it may enact a national banking law authorizing banks thereunder to issue circulating notes based on the security of United States bonds deposited with the Government. Congress may borrow money; having under this power undertaken to supply the country with a stable currency, *it may prevent the circulation as money of any notes not issued under its authority by taxing all other issues out of existence.*

This was going a long way; it was clearly one of the occasions when Congress found it necessary to "interfere," for the purpose of executing its general powers.

The States ceded to Congress under the new Constitution the power to regulate commerce with foreign nations and among the several States and with the Indian tribes, but they found it difficult to take their own medicine. It was not easy to give up this prerogative of sovereignty. Almost immediately the question arose, What is commerce? It was soon decided that commerce was something more than traffic or trade,—it included transportation, transportation of passengers as well as of goods.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

When steam came into use as a motive power that became an issue; but it was decided that commerce included all the means as well as the subjects of transportation. When the electric telegraph came into use, it was decided that this was a medium of commercial intercourse. When the telephone came into use, the same reasoning made its use between States interstate commerce. At first Congress was considered as having jurisdiction only over waters affected by the tide, but this authority was soon extended to all navigable waters upon which interstate commerce is carried on, and to bridges over navigable waters separating two States. At the present time the authority of Congress extends to the places, the means and the subjects of trade and commerce.*

We have moved on into what is almost a new world. We are facing new problems. We are facing the further development of national ideals. We cling as tenaciously as our forefathers did to what we call the right of local self-government. What we are now and then asked to give up seems to us much more vital than what they were asked to surrender in the general interest. We have the most extended system of railroad transportation in the world. The use of the telegraph and the telephone has extended throughout the nation. Many important types of business are organized on continental lines. The question, then, is: When we insist on what we call local self-government as against the obvious significance of such facts as these, are we not as short-sighted as our forefathers would have been if they had carried their opposition to the Constitution further than they did? The fact is, we are still entirely devoted to local self-government. But what is local self-government? When a business naturally extends over all the States of the United States, is it local self-government to attempt to regulate it in forty-six different places by forty-six separate sovereign authorities? Under these conditions, is not the local idea plainly encroaching on the national prerogative?

On all these large questions the Government has not acted until it was obliged to. There has been no aggression as against the States. Looking back at these contests—in which the issue

* Gibbons *v.* Ogden, 9 Wheaton, 1; Gloucester Ferry Co. *v.* Pennsylvania, 114 U. S., 196; Moran *v.* City of New Orleans, 112 U. S., 69; Passenger Cases, 7 Howard, 283; Walling *v.* Michigan, 116 U. S., 446; Tel. Co. *v.* Texas, U. S., 460; Pa. Tel. Co., 48 N. J., Eq. 91, 20, Atl. 846, 27 Am. St. Rep., 462.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was frequently doubtful—we see that no other solution was possible, that there was nothing else for the Government to do.

The chaotic condition which existed in the commerce between the States was, as we have seen, one of the things that drove the States toward a "more perfect union." That condition, in a more or less aggravated form, has existed in insurance for eighty years. In 1829, Pennsylvania levied a tax of twenty per cent. on the premiums of other-State companies. This was done under the familiar plea of protecting the business of domestic corporations. There was a similar tax of ten per cent. in New York from 1828 to 1837. In 1851, New York by means of a deposit law drove *all* other-State companies but *two* beyond its borders, and when the other States retaliated, the New York State companies withdrew from them. In 1874, California by radical legislation drove twenty-nine companies out of her jurisdiction. Recently nearly all the life companies withdrew from Texas and Wisconsin because of oppressive legislation, and eight withdrew from New York State for the same reason. A Missouri law allows no company to do business within her borders which pays salaries above a certain limit. Many of the States refuse admission to companies of other States unless they in advance agree to surrender the protection of the Federal Courts, and to that extent their rights under the Constitution of the United States. Most of the States have on their statute-books, in their insurance laws, that relic of barbarism, the *lex talionis*, the law which exacts an eye for an eye, a tooth for a tooth. The condition is becoming progressively worse. It is akin to those which existed one hundred and twenty years ago with respect to commerce. It is not unlike those which then existed regarding foreign intercourse, public credit, currency and that comity between States which makes for union and peace. The problems of commerce, of expansion of public credit, of currency were solved by the action of the General Government either through its expressed or its implied powers. There is apparently no other method by which the problem of insurance supervision can be solved.

Insurance is business. It includes the purchase and sale of contract rights which have become an almost indispensable factor in business, in credit and in traffic. It is a business that from its very nature is most secure when widely distributed, and it naturally and inevitably has become an interstate business. It is

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a business which from its character requires a reasonable measure of governmental supervision, and at the present time it is more extensively supervised by governments than any other class of business. There is, perhaps, no business in which efficiency and economy are so much promoted by uniformity of legal requirements everywhere; no business that is more easily embarrassed, harassed and rendered inefficient and unprofitable by conflicting laws and conditions.

But the Supreme Court, in the case of Paul *vs.* Virginia, has said that insurance is neither commerce nor an instrumentality of commerce. The transportation of goods and passengers is commerce, and all the means used as instrumentalities thereof are commerce. The sale of goods by sample by drummers is commerce, but the sale of life-insurance policies by agents is not commerce. A telegraphic message relating to a life-insurance policy — or any other kind of business — is commerce, but the policy itself, sent by mail or otherwise, is not commerce. If a company talks to an insurant in a neighboring State over the telephone the talk is commerce, but the subject of the talk is not.

Toward these decisions of the Supreme Court we maintain the attitude that Lincoln assumed toward the Dred Scott decision. He said:

> "It is not resistance, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country. . . . The Court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it."

While the Supreme Court has several times flatly said that insurance is not commerce, I think it by no means impossible that later on it may take a different view. I am not sure that it has not already done so. The relations of things have changed. And wise courts interpret constitutions in the light of changed conditions and in the interest of all the people.

I have briefly reviewed some of the instances in the history of the country which have resulted in the development of national ideals and the expansion of national power. My purpose has been to show that Congress, under the Constitution and under the wise rulings of the Supreme Court, has always had power sufficient to meet any emergency, and that such emergencies have

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

always been met in the interest of the whole people. I might rest here and have, I think, a very good case. Having pointed out the inevitable chaos and confusion which have followed the attempt entirely to supervise the business of insurance by forty-six different authorities, having shown the hopelessness of any attempt to secure efficient administration through harmony of action amongst the States, it is a fair deduction that a business involving such large interests, capable of such great usefulness, a business so necessarily interstate in its nature, is entitled somehow, some way, to just supervision and wise control. And as that cannot be had under the present system, relief from the General Government must in time come by force of circumstances and through the logic which has so nobly served the people from the time of John Marshall to the present day.

The force of such conditions has already asserted itself, and unless I misread the mind of the Supreme Court in a leading case relief from an illogical and reactionary condition is already in sight.

In 1902, the Supreme Court of the United States, in its interpretation of the powers of Congress under the commerce clause of the Constitution, went farther than ever it had gone before. The case before the Court was that of Champion *vs.* Ames, and is known as the "Lottery Case."* By this decision the validity of an act of Congress for the suppression of lottery traffic through international and interstate commerce and the postal service was sustained. As I read the entire case, the previous declarations of the Court that insurance is not commerce are therein substantially overruled; and, under the doctrine laid down, it seems reasonably clear that, if Congress should now pass an act providing for Federal supervision and regulation of interstate insurance, the Supreme Court would be bound to sustain it.

Counsel for the lottery company urged that a contract of lottery was substantially the same as a contract of insurance, and that the principle in the two could not be distinguished. The minority of the Court, for whom Chief-Justice Fuller delivered the dissenting opinion, urged the same doctrine, and pointed out that the Court had already decided that insurance contracts are not articles of commerce; that they are not subjects of trade and barter offered in the market as something having an existence and

* Champion *v.* Ames, 188 U. S., 492.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

value independent of the parties to them; that they are not commodities to be shipped from one State to another and then put up for sale — the logic of which was that the sale of lottery-tickets, being indistinguishable in principle from the sale of insurance policies, must necessarily fall outside the commerce clause and outside the regulating power of Congress. In effect, therefore, the relation of insurance to the commerce clause of the Constitution was before the Court and was fully discussed. Not only was it discussed in the briefs of the appellant, but it was apparently a part of the oral argument; and the case of Paul *vs.* Virginia was the leading case upon which the minority of the Court based their dissent.

In delivering the majority opinion of the Court in the lottery case, Mr. Justice Harlan, singularly enough, made no reference to the insurance cases. Insurance, as such, was not before the Court, and there was, therefore, no controlling reason why the Court, if it believed that the doctrine laid down in Paul *vs.* Virginia was an error, should so state. If, however, a majority of the Court believed that the sale of lottery-tickets could be distinguished in principle from the sale of insurance policies, it is fair to assume that they would have said so. The argument of the lottery people was: Lottery is like insurance; therefore, it is not commerce. The Court decided, without refuting the argument on that point, that the interstate sale and carriage of lottery-tickets is commerce. In reaching this decision, the Court sought first for a definition of the word "commerce" as used in the Constitution, and, amongst other things, said:

"Undoubtedly the carrying from one State to another by independent carriers of things or commodities that are ordinarily subjects of traffic and which have in themselves a recognized value in money constitutes interstate commerce. But does not commerce among the several States include something more? Does not the carrying from one State to another by independent carriers of lottery-tickets that entitle the holder to the payment of a certain amount of money therein specified also constitute commerce amongst the States?"

After various citations, seeking rather to arrive at a definition of what commerce is, the Court said:

"They [the cases cited] show that commerce among the States embraces navigation, intercourse, communication, traffic, the transit of persons and the transmission of messages by telegraph." (He would now add transmission of messages by telephone.) "They also show that the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

power to regulate commerce among the several States is vested in Congress as absolutely as it would be in a single government having in its Constitution the same restrictions of the exercise of the power as are found in the Constitution of the United States."

Then, without specific reference to that case, the Court met the doctrine laid down in Paul *vs.* Virginia in this language:

"It was said in argument that lottery-tickets are not of any real or substantial value in themselves, and therefore are not subjects of commerce. If that were conceded to be the only legal test as to what are to be deemed subjects of commerce that may be regulated by Congress, we cannot accept as accurate the broad statement that such tickets are of no value."

This language is very significant. In logical effect it overrules the doctrine laid down in Paul *vs.* Virginia. It intimates that an interstate transaction may be commerce even if the article transported has no value in itself. But, finding some actual value in a lottery-ticket, the Court brushed all other considerations aside and said: "Lottery-tickets are subjects of traffic, and therefore subjects of commerce."

Every element of value which the Court found in lottery-tickets exists also in insurance policies. The Court found that lottery-tickets had value because of a large capital prize to be paid to the holder of the winning ticket, because of large deposits of money in different banks in the United States insuring the prompt payment of prizes. Lottery-tickets were subjects of traffic because they could be sold, and they had a value even in States which made the drawing of lotteries illegal. The parallel between such conditions and those which attach to insurance is almost perfect.

Whether the Court recognized at the time that the doctrine in Champion *vs.* Ames overrules the doctrine in Paul *vs.* Virginia, must be a matter of opinion until a direct test is made under similar conditions; but it is evident from the text of the two opinions then rendered that there was a vigorous interchange of ideas between the various members of the Court before the opinions were arrived at.

"Could Congress," asked the Chief Justice, "compel a State to admit lottery-matter within it contrary to its own laws?" And the answer of the majority opinion clearly would be, "Yes, Congress could." It would simply be unwise legislation, and by way of rebuttal the majority opinion adds:

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"The possible abuse of the power is not an argument against its existence. There is probably no governmental power that may not be exerted to the injury of the public. The remedy is that suggested by Chief-Justice Marshall when he said: 'The wisdom and the discretion of Congress, their anxiety for the people and the influence which their constituents possess at elections are in this, as in many other instances, the sole restraints on which they have to rely to secure them from abuse.'"

Apparently anticipating that some one might misconstrue the effect of the lottery decision, the Court said:

"We decide nothing more in the present case than that lottery-tickets are subjects of traffic among those who choose to sell or buy them; the carriage of such tickets by independent carriers from one State to another is, therefore, interstate commerce."

Insurance, with a hesitancy which is not readily understood, has never made any serious attempt to secure action by Congress. The insurance cases went before the Court supported by no declaration from Congress that the business is commerce,—a situation which itself invited an adverse conclusion. Whenever the question has been raised since then, Paul *vs.* Virginia and the other cases in which opinion has followed the doctrine of that case have been cited, and the matter has been dropped as hopeless. But the lottery case has vastly changed the whole situation. These insurance cases may now be treated as Lincoln treated the Dred Scott decision. They "have not quite established a settled doctrine for the country." The lottery case affords abundant warrant for a request that Congress now act. A law should be drawn on the theory that interstate insurance is commerce, and that the power of Congress to regulate insurance in its interstate relations is absolute. Presented with such an act, the Supreme Court would, we believe, be disposed to accept the declaration by Congress that interstate insurance is commerce and is subject to control by Congress. If a case were to arise under such an act, it is difficult to see how the Court could render any different decision from that in the lottery case. In the lottery case the Court was probably seeking to put an end to a great public evil, to abate a great public scandal. It was obvious that the evil would not and could not be ended by the States, and therefore the power to deal with the situation, which must lie somewhere, was recognized as being in Congress under the commerce clause.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Insurance would present a case in which the law and the Court would be invoked, not to abate or destroy an evil, but to conserve and protect a great public utility. It probably would not go before the Court with the pressure of a wide-spread public demand behind it. It would go before the Court stating, first, that it is commerce; second, that it is in distress and confusion and needs the relief which a single authority alone can give; third, that it is irrationally supervised; fourth, that it is harassed by a multitude of exactions and requirements; fifth, that it is unequally and unjustly taxed; sixth, that its operations are, in practice, almost universally interstate and often international; and, seventh, that the governmental regulations which it now observes have begun to narrow its field of activities, a condition which, carried to its logical conclusion, threatens ultimately to limit the operations of every insurance company to the State of its domicile.

There must be relief somewhere. The problem will not be solved by the States. It cannot be. The solution lies in the commerce clause of the Constitution, and an act of Congress, drawn on the theory I have suggested, would bring insurance before the Court in a proper way. It would be able to present its just claims, and they could be argued from the standpoint of a powerful precedent. So presented, the question would at least be settled and insurance would know finally whether it may go forward or not.

DARWIN P. KINGSLEY.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

REGULATION OF THE NATIONAL BUDGET.*

BY GEORGE B. CORTELYOU, EX-SECRETARY OF THE TREASURY.

BETWEEN the receipts and disbursements of the Government—between the revenues and appropriations—there is coming to be a growing difference in the wrong direction. This condition seems to demand not only some effective plan for increasing the revenues, but a thorough system of co-ordination whereby receipts and disbursements may be properly compared and adjusted, one to the other, by an established authority which shall be responsible for the final balance.

At present there is no such authority. Each claim that is made upon Government resources is pressed by its supporters practically without reference to any other. It lies within the sphere of the Treasury Department to call the attention of the Congress to the estimated income and the estimated outgo for the coming year; but no authority exists—except in the veto power of the President—to bring the one within the limits of the other. It is only when the final results are scheduled, and the country realizes the existence of an enormous deficit, that the situation excites attention and becomes the subject of comment sometimes bordering on censure. Such criticism, however, must invariably fail of beneficial results, because of this lack of a supervising authority, which can make adjustment between the demands upon the Treasury and the nation's revenues.

The method which is at present in vogue is the result of frequent temporary adjustments, resorted to under the necessity of meeting imperative wants of the moment, which are more or less of the nature of makeshifts, and as a whole are lacking in har-

* This article was received from Mr. Cortelyou while he was Secretary of the Treasury, but its publication has been unavoidably delayed.—EDITOR N. A. R.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mony, devoid of unity of plan—an expedient which every year becomes less satisfactory and more obviously detrimental. The regulation of the national budget is a necessity which grows in importance with the growth of the country. The conditions which we face demand it. They call for an intelligent, consistent and economical supervision and adjustment of disbursements to current receipts, and the classification of both receipts and disbursements in such a way as to facilitate such an adjustment.

The rule of average is often invoked, and to a limited extent it is reliable. There are lean years and fat years. There are extraordinary demands upon the Treasury and there are unexpected reductions in the revenues, for which changing conditions will eventually compensate; but in the steadily increasing difference referred to, which we are now witnessing, there is nothing to justify faith in the rule of average as a means of relief. The present situation is the result of more than mere exceptional conditions.

The rapid growth of receipts and disbursements since the lowest point after the Civil War, and the recent tendency of disbursements to outstrip receipts, may be seen at a glance by comparing the Treasury reports at intervals of ten years as follows:

	Net Receipts.	Net Disbursements.
1878	$275,446,776	$236,964,327
1888	379,266,075	259,653,959
1898	405,321,335	443,368,582
1908	601,126,118	659,196,319

To put the comparison in another way, which even more graphically illustrates the expansion: the growth in ordinary expenses for carrying on the Government, excluding interest on the public debt, but including payments for pensions and for many public works, was from $135,000,000, in 1878, to $638,000,000, in 1908—an increase of nearly four hundred per cent. in a generation.

It is not in any way intended, nor is it at all necessary, to criticise the details of these expenditures, or to minimize the benefits which have accrued from them to the health, the comfort and the security of our people, in order to emphasize the fact that the distribution of such immense sums, raised by taxation, should be subject to supervision, classification and co-ordination by a responsible authority established for the purpose.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

To carry the comparison to the present and into the immediate future there can be no better argument urged in support of this necessity than the present condition of the nation's finances. The deficit for the fiscal year which ended June 30th, 1908, was $60,000,000. It has been estimated that the total revenues of the Government, calculated on the basis of existing law, will fall at least $150,000,000 below the appropriations for 1910, if these appropriations are granted substantially as requested by the departments; while it also seems assured that the revenues for the current fiscal year, ending June 30th, 1909, will be, approximately, $120,000,000 less than the expenditures. Thus the deficiency of next year may entirely wipe out the surplus in the Treasury, and necessitate an increase in taxes or the sale of bonds.

The demands upon the Treasury are not likely to decline. For years the average increase has been hardly less than fifteen per cent. *per annum,* and in all probability this rate will grow greater in the immediate future, as the call is met for larger expenditures, in the extension of various Government activities. These disbursements, however, are not by any means wholly chargeable to the ordinary expense of carrying on the Government. In this respect, the present form of daily Treasury statements is more or less misleading. It makes no separation between the expenditures for the ordinary service of the Government and those for permanent public works, like river and harbor improvements, public buildings and the Panama Canal.

In this matter our budget differs from that of many foreign countries, where expenditures for permanent improvements are provided for by specific issues of bonds, and the amounts are stated in a separate account from the report of expenditures for the ordinary maintenance of Government; while it has been the custom of this Government to make most of its appropriations for permanent improvements from current revenues, thus allowing the entire burden to rest upon the present for improvements which will largely benefit the future. It is this which has brought about the present contingency, when the receipts are falling farther and farther below the expenditures, not for obviously transient causes, which the near future will naturally rectify, but because the growing demands which we meet, in providing for future needs, outstrip the results reasonably to be expected of our present sources of revenue. It behooves us, then, to give thoughtful con-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sideration to the devising of some method of placing a part of the burden upon posterity, which will chiefly benefit by the expenditures, instead of impressing the whole responsibility upon the present.

For the purpose of illustration, stating our budget in the manner suggested, the account for the fiscal year which ended June 30th, 1908, would appear as follows:

Net ordinary receipts	$601,126,118.53
Disbursements	570,477,838.81
Surplus	30,648,279.72
Extraordinary disbursements:	
Panama Canal	38,093,425.29
Public Buildings under Treasury Department	9,341,364.55
Reclamation Service	11,126,042.02
Rivers and Harbors	30,157,649.01
Reduction of Public Debt	34,356,750.00

It may be a question whether all items which involve permanent capital improvement should be placed in this account. It may be proper, in some cases, to charge them to current revenue. But there can be no question that, when bonds are actually sold by the Government to meet the cost of specific public works, like the Panama Canal, such expenditures should be placed in a separate account, or the proceeds of the bonds sold should be accounted for as receipts.

But, whatever changes conditions may make necessary along this line, it will be greatly to the advantage of any system if a supervising power is established, with the authority and responsibility to consider as a whole, and to compare and adjust, the revenues and appropriations. The Secretary of the Treasury is given authority to transmit to the Congress the yearly estimates of revenue and expenditure; but he is not authorized by existing law to reduce these estimates so as to make them conform to the receipts. Neither is any committee of Congress charged with responsibility to compare and co-ordinate the appropriations for the different branches of the public service, in order to distribute equitably such reductions or increases as may be warranted by the condition of the revenue.

There are several independent committees of Congress handling colossal appropriation bills without reference to the committee on appropriations. In itself this may be beneficial and desirable; but with each applicant, public and private, anxious to obtain the largest possible appropriation, with each committee acting with-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

out particular reference to general conditions, with no authority for a supervision of the whole, there must result an uneven distribution, with the constant probability of an increasingly large deficit in the end.

It would, perhaps, be competent for Congress to vest in a joint committee the power of revising all appropriation bills, with a view to distributing necessary reductions or available increases according to the relative importance of the objects for which the appropriations are sought. It would certainly seem that some committee should be charged with the direct responsibility of keeping the expenditures of each year approximately within the revenues of the year, or if, in specific cases, this could not be done without crippling branches of the public service, of authorizing the issue of short-term obligations to bridge over the deficit of lean years. By such a committee many needless and wasteful expenditures might be checked, deficits avoided and any surplus diverted to the most necessary and beneficial purposes.

For example: in the matter of public buildings representatives from all over the country are naturally anxious to secure the largest possible appropriations for their districts, letting economy rest with some one else. A great mass of such bills is annually poured in upon the Treasury Department. In many instances, the buildings authorized are found to be unnecessary for the public business and such as could well be postponed for several years at least. But the Secretary of the Treasury has no voice in the matter. Without regard to the prospect of a grave deficit, he is obliged to proceed with the purchase of sites and the construction of the buildings ordered.

This is but an instance suggesting a principle which more or less pervades most appropriation bills; and, whether or not the state of the Treasury demands retrenchment, it could not fail to be of benefit to have some adequate supervising authority. As a simple business proposition, whatever our financial condition may be, there should be an authority to which the people may turn, with power to prepare for unusual contingencies and with the responsibility of avoiding injurious deficits.

GEORGE B. CORTELYOU.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

STATUS OF WOMAN SUFFRAGE IN THE UNITED STATES.

BY IDA HUSTED HARPER.

THE United States was the first country to experiment in a democratic government, and it fought seven years with fire and sword to establish the right to individual representation. Now, after more than a century and a quarter, it is farther away from a true republic than Great Britain, from which it extorted this right. Here, one-half of the citizens are barred from the suffrage absolutely by requirements which it is impossible for them to fulfil; there, save for the slightest of property qualifications, all citizens have the complete franchise, except that women cannot vote for Members of Parliament, and in some of the monarchical countries of the Continent they have the Parliamentary vote. The Parliamentary vote undoubtedly will be granted to British women long before the women of the United States have even municipal suffrage.

What are the reasons for the continued inferior political status of women in this country? The most potent of all is found in our form of government, in our Federal Constitution which vests the right to extend the suffrage wholly in the States. In every other country the women have only to obtain the assent of a majority of the national parliamentary body and they are enfranchised. In the United States, two-thirds of both Houses of Congress must be secured, and then they can do nothing but submit a resolution to amend the National Constitution. When this has been done, the women have over thirty more campaigns ahead of them, as it must be ratified by three-fourths of the State Legislatures. Here, in addition to the ingrained prejudice against woman suffrage, they must encounter also that against amending the Federal Constitution for any purpose.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The only other method by which women can obtain the power to vote is to carry their case directly to the State Legislatures and secure the necessary majority of both Houses—usually two-thirds—for a resolution to submit to the electors an amendment to the State constitution. In many States this resolution has to pass two Legislatures, and as most of them meet biennially it requires four years simply to get the question submitted. If it is passed by the first and rejected by the second, then the entire contest must be made over again. But when the question finally goes to the voters, consider the situation which the women must meet! Not long ago, there were parades in all parts of the country in behalf of certain persons who were to be tried in Idaho. How would the men of this nation who had no interest in the organizations represented, like to place the matter of their own political liberty in the hands of those who made up these processions? And yet every man who marched in them can say whether women shall or shall not have the suffrage, when the question is submitted in the various States. How would the trades-union men like to leave to the capitalists the question whether they should be allowed to exercise the franchise? Yet this is the position of the working-women, and in every city where woman suffrage has been voted on and defeated it has received a heavy opposing majority in the so-called aristocratic wards. How would the white men of the country like to leave it to the negroes whether white men should be permitted to vote, or the natives to let the immigrants decide this for them, or the Catholics to submit it to the Protestants, or the Republicans to the Democrats, or the liquor element to the Prohibitionists — or *vice versa* in all these cases? In brief, would any class of men be willing to let any other class determine as to whether they should have a voice in the Government? Yet this is exactly the condition of all women—their political freedom is absolutely at the mercy of all men, and the men of every class, creed and party are unwilling to give a vote to the women of other classes, creeds and parties.

And in the face of this unparalleled situation people ask why the women of the United States do not make any more progress in getting the suffrage. If such had existed in any of the countries where women now have the vote, it is very doubtful if they would have been enfranchised, for men are much alike in all

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

parts of the world, and, in the mass, they do not believe in granting equality of rights to women. The conditions in the United States are intolerable, and it is a disgrace to our Federal Constitution that it gives one class of citizens the power to keep another class forever disfranchised, and this, too, by a bare majority vote. This most vital question, which should be decided by a superior, elected representative body, is left to the irresponsible masses, to a conglomerate of every nationality, every color, every degree of vice—intemperance, immorality, ignorance, greed, dishonesty—to such an electorate as exists nowhere else on the face of the earth.

In early days, the movement in the United States was handicapped by the customs and prejudice of the ages and by the inferior position of women in education, business, organization, public work, in every respect. All of these handicaps have been largely removed during the last half-century, but forces antagonistic to woman suffrage have taken their place which are far more dangerous and harder to overcome. The results of the Fifteenth Amendment have not been satisfactory, and there is a determination on the part of many not to add the colored woman's vote to the colored man's. The flood of immigration in recent years threatens to overwhelm the country, and as the laws permit the male immigrant to become a voter almost at once, many thoughtful people feel that it would increase the calamity to extend this privilege to the foreign-born women. All who deal in intoxicating liquors—manufacturers, saloon-keepers and all retailers—are uncompromising foes of woman suffrage, and they and the agencies they control constitute a great political "machine" which by itself is powerful enough to keep the vote out of the hands of women. This has been the chief instrumentality in defeating woman-suffrage amendments in a dozen different States, and killing the question in twice that many Legislatures.

The "party machine" also is bitterly hostile to the enfranchisement of women, and, when it has been unable to prevent the submission of an amendment, has used this as an article of barter and traded on it for votes and money. In the four States where women vote they have defied the "machine" rule, have acted independently of party dictation and proved themselves an uncertain quantity to such an extent that word has been passed to all parties in the neighboring States to keep political power out

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the hands of women. They have acted on this advice so thoroughly that although these four States gave the suffrage to women between 1893 and 1896, no State has done so since that time.

The women are compelled to keep entirely free from political affiliations when conducting a campaign, which prevents their having the united support of any one party; they have no votes to use as a reward or a punishment, and their leaders cannot even pledge the loyalty of the women to any party after they are enfranchised, as they themselves do not know how women will divide politically when they have the ballot. In these days of dicker and deal, when politics is a great game to be won by the most skilful players, the disadvantage of women is colossal when they carry their cause into the arena. It is not only to no party's advantage to champion this cause, but none which has any hope of success dares to incur the hostility of the enemies to it. The forces of evil are all opposed to woman suffrage, and the forces for good are not, as a rule, a very potent factor on election day.

In recent years, the women have met an opponent that has caused them more alarm than all the others combined—the large "trusts" or corporations. Their first open appearance was in the New Hampshire campaign of 1903, when a rich and powerful railroad made a determined effort to prevent the convention which was framing a new State constitution from incorporating a clause providing for woman suffrage. Its attorneys were sent to the convention instructed to fight the measure, but the clause finally was adopted, and then the railroad, which is all-powerful in New Hampshire politics, took care that it was rejected by the voters. In this it was seconded by the various manufacturers of Manchester and other cities. To the women's amazed inquiries as to why the corporations should object to their enfranchisement, they were coolly informed by party leaders that this would increase the number of voters who must be bought at every election and throw into confusion the present well-systematized calculations. Lists were shown to them of the purchasable voters in every precinct throughout the State with the price which had to be paid, and they were calmly told that the corporations did not propose to have the voting lists doubled; that, besides the additional expense, it would take some time to learn how many of the new votes were for sale and the price; also that there was no telling what women might do if they got into the Legislature,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

while now the possibilities of the male legislators were accurately gauged. There was a movement in New Hampshire at this time to repeal the prohibition law, and its promoters knew that this could not be done if women had a vote, so they joined the opposing forces with their money and influence. No measure could have been carried with this combination against it.

This experience was repeated on a much larger scale in Oregon in 1906. The officials of the Lewis and Clarke Exposition had sent one of the commissioners to Washington to invite the National Woman Suffrage Association to hold its next convention in Portland, with a view to opening a campaign in the State, as it was declared to be now ready to enfranchise its women. During this convention, in 1905, the Governor of the State, the Mayor of Portland, the president of the school board and a number of judges, clergymen and politicians appeared on the platform and pledged their support. The National and State Suffrage Associations made the strongest possible campaign, the next year, with excellent speakers, good literature and many able workers. A large majority of the newspapers favored the amendment, only seven out of 238 opposing. The State Federation of Labor, the State Grange, the Federated Trades Council of Portland, the Socialist party, the National Letter Carriers' Convention in Portland, the State Woman's Christian Temperance Union, the State Federation of Clubs, the Women's Union Label League, the Women's Pioneer Association, the Women's Medical Association and many other organizations officially endorsed the amendment. Both candidates for Governor and three-fourths of the other candidates declared themselves in favor.

At the beginning there seemed not a doubt of success, but in a short time an opposing combination was formed which could have defeated any measure placed before the voters, a combination of a prominent railroad company and other large corporations, the Brewers' and Wholesale Liquor Dealers' Association and the "machines" of both parties. The reason for the opposition of the "trusts" was the same as in New Hampshire, and, in addition, various manufacturers did not want women to have a vote on certain factory and child-labor laws that were threatened. A published statement declaring that "it would be injurious to the general welfare and development of Oregon to adopt woman suffrage," was signed by 190 corporations and business men more

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

or less connected with them. Sixteen of these corporations represented the interests of one family, and the women of this family headed the little group of rich women, said to be eighteen in all, who composed the Anti-Suffrage Association. Shortly before election, the Railroad Company bought $2,000 worth of stamps at the Portland post-office and soon afterwards each of the 100,000 voters received a letter urging him to vote against the suffrage amendment.

Through the initiative and referendum, Oregon had secured a drastic local-option law. Its tenure was still uncertain, but the liquor-sellers realized that if women gained the right to vote it would become permanent and effective. They had already obtained the submission of an amendment which would partly nullify it, and two weeks before the election, the Brewers' and Wholesale Liquor Dealers' Association issued the following official circular headed by the names of 13 breweries and 19 wholesale liquor houses:

"DEAR SIR:—Two laws are to be voted on at the election June 4, which are of vital importance to every liquor merchant in Oregon, without exception.

"The first is Woman Suffrage.

"The second is the amendment to the Local Option law. . . .

"Being few in number, the members of this association cannot by themselves pass the Local Option amendment or defeat Woman Suffrage.

"That part of the work is up to the retailers. We write this letter to earnestly ask you to help.

"It will take 50,000 votes to defeat Woman Suffrage. It will take 50,000 votes to pass the amendment to the Local Option law. There are 2,000 retailers in Oregon.

"That means that every retailer must himself bring in 25 votes on election day.

"Every retailer can get 25 votes. Besides his employees, he has his grocer, his butcher, his landlord, his laundry-man and every person he does business with. If every man in the business will do this, we will win.

"We enclose 25 ballot tickets, showing how these two laws will appear on the ballot and how to vote.

"We also enclose a postal card addressed to this association. If you will personally take 25 friendly voters to the polls on election day, and give each one a ticket showing how to vote, please mail the postal card back to us at once. You need not sign the card. Every card has a number and we will know who sent it in."

After it was over, the liquor-dealers said openly that they had

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

spent $250,000 on the election, and it was generally understood that the corporations had contributed as much, and yet less than 84,000 votes were cast on the suffrage amendment. The Republican "machine" of Multnomah County (Portland) made a "deal" with the liquor interests to kill it in return for a large money contribution and votes for its candidate for sheriff; the Democratic "machine" made a similar "deal" for the rest of the State, trading votes against woman suffrage and getting in return the liquor vote for its candidate for Governor. These statements are well supported by proof, and sheriff and Governor were elected, while the amendment was declared lost.

In the California campaign of 1896, the same conditions had prevailed. The most scurrilous editorials in opposition which appeared were those published by the organ of the Southern Pacific Railroad. The Wholesale Liquor Dealers' League sent out an official circular to every saloon-keeper, grocer and druggist in the State saying: "It is to your interest and ours to vote against the woman-suffrage amendment. We urge you to work and vote against it and do all you can to defeat it." Although an endorsement of the amendment was the first plank in the State Republican platform, the "machine" boldly traded it to the liquor-dealers for a fund to elect McKinley, and broke faith with the women at every turn. A similar record will be found in every State where a woman-suffrage amendment has been voted on.

This situation, of which only the barest outline has been given, certainly offers sufficient reason why the concrete gains of woman suffrage have been so few. But little fear was felt by its enemies until four States declared for it within four years, but since then the opposition has organized and become more formidable every year, concentrating its forces wherever the question is pending. The efforts which it was obliged to put forth to control the little handful of voters in Oregon are full of significance. It bought space in the newspapers at ten cents a line; it employed lawyers and managers; it hired 500 men to work against the amendment at the polls outside of Portland and over 200 in that city; it rounded up the Indians and the 500 Chinamen entitled to vote —and yet it is the common belief in Oregon that the amendment was carried in spite of it all. The evidence that it was counted out was most convincing, but because of the great expense in-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

volved a recount was impossible. The amendment was carried in Southern California in 1896 by a large majority, but was defeated solely by the vote of San Francisco and Oakland.

With a fair election and an honest count, a woman-suffrage amendment probably could be carried in a number of States, but under present conditions these seem to be impossible. For the salvation of the country, however, these conditions will have to change. The political power of corporations is already receiving official investigation, and that of the liquor element, with its allied interests of gambling and prostitution, is now widely recognized as a public menace. Those who work for municipal improvement are beginning to understand that no reform Government can be permanent while the greatest moral forces of society are deprived of the suffrage by means of which to sustain it. Clergymen are realizing the uselessness of appeals for civic righteousness to disfranchised congregations.

The immense growth of favorable sentiment for woman suffrage is seen in many leading magazines and newspapers, in the utterances of prominent men and in the absence of all serious argument against it. The attitude of the labor organizations offers much encouragement; their conventions repeatedly declare in favor of woman suffrage, and it is not improbable that eventually the working-men will win this battle for the sake of nearly 5,000,000 women breadwinners. Last year, several hundred international and national associations and a great number of State associations, representing as many different lines of activity, adopted resolutions for woman suffrage. Only two States—Massachusetts and New York—have permanent Anti-Suffrage Societies, and they never have held a convention or mass-meeting. The National Suffrage Association is a large, strong, thoroughly organized body with a complete system of State, county and local auxiliaries. Over three-fourths of the States are thus organized and a large number of these showed a substantial increase of membership last year. Greater New York has one, possibly two, Anti-Suffrage Societies, which hold parlor meetings once a year; it has over twenty Suffrage Clubs holding weekly or bi-weekly meetings. The National Suffrage Convention held in Buffalo was the largest and most enthusiastic in the forty years' history of the Association.

The National Association has spacious headquarters; publishes

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a monthly paper and series of leaflets with a large paid subscription list; has a press bureau that weekly supplies matter to thousands of newspapers, and an office force that sends out other literature in answer to requests at an average of nearly 700 pieces a day. It is said that "money talks." In 1906 its receipts were over $18,000; in 1907, notwithstanding the financial depression, they were $15,000. A short time before the death of Miss Anthony, while visiting President M. Carey Thomas, of Bryn Mawr College, and Miss Mary E. Garrett, of Baltimore, she expressed the wish that an additional fund might be raised for suffrage work, and these two ladies undertook the task of securing $60,000 to be paid at the rate of $12,000 a year. They organized a committee, opened the subscription list in February, and before the first of May the full amount had been obtained, practically all of it subscribed by women. This amount is exclusive of the funds raised by the National Association.

Once a year, the Anti-Suffragists issue a little paper called "The Remonstrance," in which they enumerate the defeats the movement has received as proof that it has made no progress, but they are careful not to show the narrow margin of these defeats. Last year, the women of Chicago tried to get a suffrage clause in the proposed new charter; the commission divided evenly on it, 27 to 27, and the chairman gave the casting vote against it. A woman-suffrage bill in the Illinois Senate received a tie vote. In the Iowa Senate a change of three votes would have given the necessary majority. Both Houses of the California Legislature gave a majority for the bill, but it lacked two votes of the required two-thirds. It was carried in the Nebraska Senate, but was defeated in the House, and met the same fate in South Dakota. In the Indiana Senate it was lost by two votes. It passed in the West Virginia House and then two members changed their votes. The Pennsylvania House voted 90 to 63 in favor of School Suffrage, but a two-thirds majority was necessary. It must be remembered that in all of these cases the women were asking only to have their question submitted to the voters, and this privilege the legislators refused them. The reason for it was frankly given by one in California, who said, when asked why he voted against the bill: "It is much easier to defeat you here than it would be if you got your amendment before the people." Surely it is poor logic to quote these legislative

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

defeats as proving the weakness of the woman-suffrage movement.

In Vermont, the bill for Municipal Suffrage, which can be conferred simply by legislative action, was carried in the House by 130 to 25, but was defeated in the Senate by five votes. In Rhode Island, a bill for Presidential Suffrage, which also can be given by the Legislature, passed the Senate and had enough votes pledged in the House to carry it, but its opponents succeeded in having it held up in committee.

For a number of years the arguments and objections to woman suffrage have been narrowed down to one hackneyed phrase—"The women do not want it"; but this soon will be as obsolete as all the others, for a revolution of sentiment is fast taking place among women. To-day there are thousands in favor of it where a few years ago there were tens. The National Council of Women, which at its beginning tabooed this question, at its last convention declared for it unanimously. The Federation of Women's Clubs, which at first refused even membership to suffrage societies, elected as its last president for two terms one who was a leader in securing the franchise for the women of Colorado, and has just elected a new president who is a suffragist. The New York State Federation invited the Rev. Anna Howard Shaw, president of the National Suffrage Association, and Mrs. Carrie Chapman Catt, president of the International Suffrage Alliance, to give addresses of an hour each at its annual conventions of 1907 and 1908, and it has a standing committee on this subject. In several States the Federation is working vigorously for School Suffrage, and that of Illinois, with 30,000 members, was very active in the recent effort before the Chicago Charter Convention. The Industrial Committee of the General Federation, Miss Jane Addams, chairman, in its report "urged the General and State Federations and women's affiliated clubs to endorse the principle of equal suffrage and take such action as should give to working-women the needed protection of the ballot." The 250,000 members of the Woman's Christian Temperance Union are almost a unit in demanding the vote, as are the 150,000 Ladies of the Maccabees. The petition to have woman suffrage included in the new charter for Chicago was 75 yards long and the movement was supported by 87 organizations of Illinois women, including the Mothers' Congress, the League of Catholic Women, the Jew-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ish Women's Council, the Lutheran Woman's League, the Teachers' Federation, the Women's Trade Union League, the Women of Chicago University and the college settlements. Fifty women, representing these organizations, appeared before the Charter Commission to advocate the suffrage, and one woman spoke against it, saying that she did so only in her individual capacity.

Millions of women in the United States, through their organizations, are now asking for the franchise, and the number is rapidly increasing as women are awakening to the reason why they are at such a disadvantage in all that they undertake for others or for themselves. The struggle of the public school-teachers of New York City to secure "equal pay for equal work" is a case in point. Blind, indeed, are those who cannot see that if these teachers had a vote in the election of public officials this struggle would be unnecessary. So all women who are working side by side with men for half the pay will finally understand that the glib phrase, "supply and demand," is only a ruse to conceal the real cause; and the army of women who are trying to move the world to better things will learn in time that they must rest their lever on something besides air.

It is not likely that the majority of the 16,000,000 women in the United States realize the value of the suffrage sufficiently to want it—it would be absurd to expect this—but the leaders among them do want it and are working for it. Almost without exception, the presidents of all their organizations—those who are at the head of the world's work in education, philanthropy, social reforms, civic improvement—are demanding a voice in the Government, and their following grows vastly larger year by year. With this force the Government must finally reckon. Taken as a whole it represents peace, sobriety, virtue, economy, conservatism, devotion to the interests of home and children—characteristics of highest value in the citizenship of a nation, which for its own preservation it must eventually admit to its electorate.

IDA HUSTED HARPER.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MR. TAFT AND THE SHERMAN ACT.

BY THOMAS THACHER.

In his speech before the Ohio Society, on December 16th, 1908, Mr. Taft announced his assent substantially to the following propositions: (1) The Sherman Act, the anti-trust act of 1890, should be amended; (2) it should not apply to railroads and other agencies of transportation, the regulation of which should be left to the Interstate Commerce Act and its amendments and supplements; (3) it should not make illegal every combination of capital and energies previously in competition in interstate or foreign trade or commerce; (4) the amendment should be effected, not by the use of the word "reasonable" or "unreasonable," or any other words of uncertain meaning, the work of giving a definite meaning being passed over to the Courts, but by the use of language so simple and clear as to enable business men to know from the reading of it what it forbids.*

And these two other propositions are implied in what he said: (5) A definite understanding of the evil or evils to be cured should precede the enactment of remedies; and (6) no remedy should be enacted which would do more harm than good.

All this is sane and sound—so obviously so that it seems strange at first thought that it should need to be authoritatively stated, or that the statement should give special satisfaction. But nothing is more often needed than the clear assertion of propositions which, when stated, are necessarily accepted, or of principles which may be forgotten, but which cannot be questioned.

(1) As to the first proposition, that the Act should be amended, there seems to be no difference of opinion. Even the labor-leaders and the Standard Oil Company are in accord upon it. All who think agree that there is something wrong with this law.

* I do not pretend to quote Mr. Taft *verbatim*, but state the substance of what he said as I understood him.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(2) Very few persons of intelligence will dissent from the second proposition, calling for the exclusion of railroads, although the most noted victories of the Government in enforcing this law have been in cases to which it would not have been applied if railroads had been originally excluded from the field of its operation. I refer, of course, to the Trans-Missouri case, the Joint Traffic case and the Northern Securities case. The arguments and opinions in the first two of these cases, while they failed to convince the Supreme Court that the Act did not apply to railroads, are enough to satisfy the intelligent reader that it ought not to have been made to do so. The situation of railroads is peculiar and there are peculiar reasons for regulating their business. Only confusion can result from attempting to deal in the same Act with railroad companies and those whose business is industrial and commercial. The Interstate Commerce Act and its supplements provide a scheme of regulation of transportation, and whatever changes should be made in such regulation may best be made by amending or supplementing these acts.

(3) The third proposition might be put in this form: The Act should be so changed as to deprive it of the meaning and effect declared in the Tobacco case.* In that case, and in two other cases decided about the same time, the judges of the Circuit Court of Appeals of the New York Circuit declared that every combination by which competition is ended or suspended between two or more persons or corporations engaged in interstate or foreign trade or commerce is illegal under this Act. It matters not whether it is a combination of two or more stage-drivers, butchers, bakers or candlestick-makers, or of two or more carpenters, bricklayers or other workmen, or of two or more corporations of the magnitude of the United States Steel Company. It matters not whether the combination is effected by forming a corporation or a partnership, or by one person, natural or artificial, buying an interest in the property and business of another or of others. It matters not that trade or commerce is increased and developed as the natural result of this combination. Every combination, they say, which involves any discontinuance of competition, however small, if only it relates to interstate or foreign business, is made illegal; and it follows that every person who has engaged in any such combination since July 2nd, 1890, is

* U. S. *v.* Am. Tobacco Co. *et al.*, U. S. C. C., N. Y., Nov., 1908.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

guilty of misdemeanor. And this must be accepted as law, in the New York Circuit at least, unless and until it shall be declared erroneous by the Supreme Court.

It was found in the Tobacco case that the charges of improper conduct of the business were not well founded. The decision was based solely on the broad view of what the Act forbade. The theory of good and bad Trusts, under the Act, was annihilated. Every Trust, if by that is meant a combination which involves a discontinuance of competition by whatever method, is bad under the Act, if it relate to interstate or foreign trade or commerce. The Tobacco combination being illegal, so is the Steel combination, and so is the combination of two stage-drivers whose route crosses the Connecticut River, as it runs between Vermont and New Hampshire, and so is every partnership formed by the union of two competitors if engaged in interstate trade. This should not be so. Combinations, even large combinations, are necessary for the successful and economical conduct of our domestic business, and also in order that we may compete in the business of the world. And it is abhorrent to our sense of liberty that John Doe and Richard Roe, who have been doing each a little business in competition, should not be permitted to join hands and work together for larger results for themselves and for the community.

It is hardly conceivable that any intelligent citizens should refuse assent to the proposition that the sweeping condemnation of combinations declared to be found in the Sherman Act as it is should be done away with. We may differ as to what should be forbidden. But we must agree that, if the Act means what it is now declared to mean, its prohibitions go too far. Combination of capital and energies in and by itself should not be made illegal.

That the Act applies to combinations of labor, as well as of capital, is settled (Loewe *v.* Lawlor, 208 U. S., 274); and if combinations are illegal, as in effect held in the Tobacco case, no matter how fairly they deal, simply because competition is ended or suspended, the Act goes too far in the field of labor.

(4) The fourth proposition hits the most glaring fault of the Sherman Act, namely, that it was drawn in language of so uncertain meaning that no one could know what was forbidden, and that for this reason it in effect turned over to the Courts the work of legislation.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

For two years or so, bills against Trusts were under consideration in Congress; and finally the Sherman Act, entirely redrawn by the judiciary committee of the Senate, was passed. In the House the consideration of the Act, as so redrawn, was quite hurried, and the spokesman of the Committee having it in charge stated that its meaning could not be known until the Courts should construe it. If the truth of this statement was open to any doubt at the time, it has been amply established since.

What was this but turning the work of Congress over to the Courts? Such a delegation of legislative functions would certainly have been rejected if the intention had been made clear. Possibly the Courts should have rejected it as it was, saying, in the language of the Supreme Court (5 Wheat. 95): "It is the Legislature and not the Court which is to define a crime." But they accepted the task and have now for eighteen years been trying to give a meaning to the Act, declaring what Congress meant when it used the words without definite intention, defining crimes which Congress denounced but did not define.

More than sixteen years after the passage of the Act, in September, 1906, Mr. Taft, speaking at Bath, Maine, said:

> "It would seem as if Congress itself knew that the evil existed, but had a most indefinite idea of how it was to be described, and the matter was apparently *turned over to the Courts*, as the cases arose and decisions were invoked, *to work out the exact character of the offences denounced*, and the limitations which were to be introduced into the statute in order that the interpretation of it might accord with what was practicable and reasonable. . . . It was not to be expected that such a statute, *dependent as it was upon judicial interpretation to make it clear*, could operate effectively at once; and the slow course of judicial decision had to be awaited before the general purpose of the Act could be attained."

After all these years, the Courts have not yet "worked out" the character of the offences denounced. Congress and the Courts together have not yet made it clear what is prohibited, in accordance with the rule which in United States *v.* Reese (92 U. S., 214) is stated as follows:

> "If the Legislature undertakes to define by statute a new offence and provide for its punishment, it should express its will in language that need not deceive the common mind. Every man should be able to know with certainty when he is committing a crime."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Delegation of legislative functions by using language "dependent upon judicial interpretation to make it clear" is a covert violation of the Constitution, not only because Congress may not delegate its powers, but also because *ex post facto* laws are forbidden. Laws which "declare an act criminal, and provide for its punishment, which, at the time of its commission, was not a crime," are *ex post facto* laws. The Courts, in construing an Act of Congress, impute to Congress an intention as of the time when it was passed. It is this that makes such construction necessarily retroactive. The Courts cannot limit the effect of their declarations to the future. Indeed, strictly speaking, they have to do only with the past. If their decisions really involve judicial legislation, such legislation, if it concerns crime, is necessarily of the character of *ex post facto* laws, making acts criminal which were not declared so at the time of their commission. And can there be any question that judicial legislation is involved, when an Act "dependent upon judicial interpretation to make it clear" is "turned over to the Courts . . . to work out the exact character of the offences denounced"?

The violation of the Constitution is called "covert," because the intention is not confessed—although what passed in the House before the passage of the Sherman Act reads very much like such a confession; and for this reason he who is charged with crime cannot avail himself of such violation in his defence. He must be punished, if his acts are now adjudged criminal, although such adjudication for the first time makes it clear that such acts are forbidden.

Consider again for a moment the Tobacco case. Probably no other decision—at any time or at any place—has revealed so many unsuspected and unsuspecting criminals. Thousands upon thousands of persons, who had no thought of violating the law, are here in effect declared guilty of misdemeanors committed at various times during the last eighteen years. Combinations believed to be lawful are now declared to have been unlawful; and it follows that all engaged in such combinations since July 2nd, 1890, are criminals, liable, except so far as protected by the Statute of Limitations, to fines or imprisonment or both. If all who are guilty under this construction of the Act were imprisoned the wheels of industry must stop. And they are guilty, not because what they have done they had before been told not to do,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

but because the Courts, having now *worked out the exact character of the offences denounced,* have since declared what the Act prohibits, with like effect in law as if Congress had so declared in 1890.

All this is to be done away with if the suggestion of Mr. Taft is followed, that the amended Act shall speak in language of clear meaning, so that the business man can by reading it know what it forbids. He is bound to know the law; and, so far as this law is concerned, this is to be made possible. Surely justice demands this. The injustice of any other course has been sufficiently demonstrated. The meaning of this law, as it has been, all persons have been bound to know since 1890; and yet the judges of the Supreme Court have divided five to four upon it, and its meaning cannot to-day be told with certainty by any one, however expert, after all the efforts of the Courts to "work out the exact character of the offences denounced."

To insert the word "unreasonable" in connection with the words "restraint of trade or commerce" would, as Mr. Taft suggests, amount to a further delegation of legislative functions. It might enable the Court to work out the character of the offences more reasonably. But the nature of their task would not be changed; and it would still be true that business men could not tell what the Act must be understood to prohibit. Congress and not the Courts should now give to the Act whatever meaning is right, by the use of language not "dependent upon judicial interpretation to make it clear."

It is a corollary from this proposition that the amendment of the Act should not take the form of referring it to a commission to prescribe rules and regulations. Language may be uncertain; but still more uncertain is the course which a commission may follow, being vested with the power to make and change rules and regulations as to trade and commerce. Delegation of legislative functions to a commission is much more objectionable, upon grounds of constitutionality and of expediency, than delegation of such functions to the Courts by the use of language of uncertain meaning.

(5) The fifth proposition, that a definite understanding of the evil or evils to be cured should precede the enactment of remedies, would seem to need no argument in its support. Diagnosis should precede prescription. To prescribe without any idea what the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

trouble is may sometimes be necessary to conceal the ignorance of the doctor or to satisfy the patient's demand that something be done. But it is not an approved method of curing disease.

It should be added that, as to any evil discovered, the question should be asked, Whether it is curable by legislation of any kind. There are evils in human society which cannot be legislated away, just as there are diseases of the body the only remedy for which is to stand back and give nature its fullest opportunity. It would seem almost useless to suggest this. Everybody knows it; but very few seem to act upon it in these days of competition in legislative cure-alls.

(6) The sixth proposition, that no remedy should be enacted which would do more harm than good, is too nearly axiomatic to call for argument or elaboration.

Whoever, accepting these six propositions, undertakes the task of drawing the amended Act, must ask this question: "In the field of industry and commerce, transportation excluded, what evil is there or what evils are there, suggested by the Act as it is, which should be remedied by legislation?"

After the evil, or evils, are found and the character of the needed legislative remedy is determined, it will be necessary, of course, to inquire whether Congress can provide such remedy, in view of the limitations upon its powers under the Constitution. But this question may best be put off until the end. The limitations upon the powers of Congress have nothing to do with the character of the evils or of the needed remedy. If a combination doing interstate business ought to be made illegal, so also should a like combination doing only intrastate business. The diagnosis must be the same, and likewise the remedy indicated. The difference affects only the question: By whom shall the remedy be given? So inquiry as to the character of the evils to be reached and the kind of remedy called for may best proceed in like manner as if a single Legislature had jurisdiction with respect to all matters of trade and commerce throughout the country.

Bearing upon this inquiry, Mr. Taft made another suggestion, —that what should be condemned was *intention to monopolize.* This was said tentatively, and not as a final conclusion. But its force and reasonableness will be more and more appreciated as the Act and its history are studied.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The sections of the Act which suggest evils are the first two. The first denounces as illegal "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations"; and the evil suggested is "Combination in restraint of trade or commerce." The second section declares guilty of a misdemeanor "every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations"; and the evil suggested is "monopolizing trade or commerce." In the first opinion of the Supreme Court upon this Act (U. S. *v.* E. C. Knight Co., 156 U. S., 1) its purpose is stated as follows: "What the law struck at was combination, contracts and conspiracies to *monopolize* trade and commerce."

It is submitted that the first question to be put in the proposed inquiry is, whether "monopolizing," given a somewhat broad meaning, does not cover all of evil against which the Act should operate. That word is of indefinite meaning. It includes some things which certainly should not be condemned, some which have been held not to be within the Act as it is. It will need to be defined; the various things included must be classified, as denounced or not denounced; and the classification may perhaps be based to some extent on the methods by which, or the intention with which, power to monopolize shall have been acquired. But is it not true that whatever of evil the Act was intended to reach, and whatever it should be made to reach when amended, is included in what was meant to be expressed in this second section by the word "monopolize"? To put it in another way, If the evil of "monopolizing," as so meant, were done away with, would there be any occasion for continuing the Sherman Act on the statute-book? Or to put it more practically, perhaps, Should not the second section of the Act be taken as the basis of the amended Act, and the first section be thrown aside, except so far as it may aid in defining or limiting the evil of "monopolizing"?

There may be monopoly without combination; and there may be combination without monopoly. Monopoly may be effected by combination; and it may be the purpose of combination. Which is the evil to be denounced? If combination is to be

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

denounced only when its purpose is monopoly, then it would seem clear that the evil is monopoly only. Is not Mr. Taft's suggestion, that monopoly is the evil to be reached, in accord with the common thought, except as it has been confused by the discussion of the first section of the Act and the words "restraint of trade"? To the common mind, doubtless, the idea suggested by the two sections was the same. The word "combination" carried more meaning than the words "restraint of trade," and a meaning much the same as was carried by the word "monopolize." It was not commonly thought that the Act prevented two individuals, competitors in business, from becoming partners. The thought was that the Act hit the so-called monopolistic Trusts, the evils of which would generally have been described by the use of the word "monopoly." It is submitted that the common notion did not take in as a distinct evil "restraint of trade or commerce," but regarded the latter only as a method of "monopolizing."

In the Northern Securities case (193 U. S., 404) Mr. Justice Holmes said: "They [combinations or conspiracies in restraint of trade] were regarded as contrary to public policy *because they monopolized or attempted to monopolize* some portion of the trade or commerce of the realm." The idea of monopoly may be vague. It may be difficult to make it sufficiently definite for a criminal statute. It may be that monopoly cannot, without regard to the modes by which it is brought about, justly be made criminal. But does not the word "monopoly," as ordinarily understood, include all of evil which the common sense of the community seeks to reach by so-called anti-trust legislation? If so, the two sections must be thrown together, what is meant by monopoly being put in the foreground as the evil, and combination being dealt with only as a means or method by which such evil may be brought about. Then combination in and by itself will not be denounced. But denunciation will fall only on monopoly. Is not this the way to comply with Mr. Taft's suggestion that combination in and of itself should not be made illegal, and yet reach after the real evil of the Trusts, as commonly understood?

If the Act is to reach after "monopoly" only, there will still remain a difficult task, though one or two matters should be easily agreed upon.

It should be easily agreed that no such phrase as "to monopolize

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

any part of the trade or commerce" should appear in the Act as amended. In the Tobacco case, Judge Ward says: "As this section prohibits a monopoly of any part of such commerce, it cannot be literally construed. So applied, the Act would prohibit commerce altogether." In Whitwell *v.* Continental Tobacco Company (125 Fed. R., 452), Judge Sanborn says:

"Every sale and every transportation of an article which is the subject of interstate commerce is a successful attempt to monopolize that part of this commerce which concerns that sale or transaction. An attempt by each competitor to monopolize a part of interstate commerce is the very root of all competition therein. Eradicate it and competition necessarily ceases—dies. Every person engaged in interstate commerce necessarily attempts to draw to himself, and exclude others from, a part of that trade, and if he may not do this he may not compete with his rivals."

And in the Northern Securities case, Judge Holmes says:

"According to popular speech, every concern monopolizes whatever business it does, and if that business is trade between the States, it monopolizes a part of the trade among the States. Of course the statute does not forbid that. It does not mean that all business must cease."

Doubtless it will be agreed that the Act should clearly exempt monopolies which are created merely by the issue of patents, or by other legislative grants intended to give exclusive rights. In American Biscuit Manufacturing Co. *v.* Klotz (44 Fed. R., 721), it was said:

"In construing the Federal and State statutes, we exclude from consideration all monopolies which exist by legislative grant; for we think the word 'monopolize' cannot be intended to be used with reference to the acquisition of exclusive rights under Government concessions."

There certainly should be no hesitation in refusing to accept any such proposal as to make the Act unobjectionable to laborers or farmers, or any other class, by excluding them from its operation. There is no legislative tendency more fraught with danger than the tendency to make the law satisfactory to the majority by exceptions which confine its burdens to the few. If monopoly of capital in any form should be condemned, then, upon principle, monopoly of labor should be condemned also. If monopoly of the products of the factory should be denounced, there is no good reason why monopoly of the products of the farm should not be denounced in like manner. Whether or not Congress has

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

power to do so, it certainly should not make discriminations such as the States are forbidden to make by the Constitution. (Connolly *v.* Union Sewer Pipe Co., 184 U. S., 540.)

But a difficult question will be whether the law shall attempt to regulate the *acquisition* of the power to affect trade or commerce or the *use* of such power—to regulate the acquisition of property and the combination of capital or energies or the use of property acquired or of capital or energies combined. Mr. Taft has spoken on this question. In his Columbus speech (August 19th, 1907), he said:

"There must be something more than the mere union of capital and plants before the law is violated. There must be some *use* by the company of the comparatively great size of its capital and plant and extent of its output, either to coerce persons to buy of it, rather than of a competitor, or to coerce those who would compete with it to give up their business. There must, in other words, be an element of duress *in the conduct of its business* towards the customers in the trade and its competitors before a mere aggregation of plants becomes a monopoly."

Judge Holmes, in the Northern Securities case, says:

"I repeat that, in my opinion, there is no attempt to monopolize, and what, as I have said, in my judgment amounts to the same thing, that there is no combination in restraint of trade, until something is done with the intent to exclude strangers to the combination from competing with it in some part of the business which it carries on."

And again he says:

"The prohibition was suggested by the Trusts, the objection to which, as every one knows, *was not the union of former competitors*, but the sinister *power exercised* or supposed to be exercised by the combination in keeping rivals out of the business and ruining those who already were in. It was the ferocious extreme of competition with others, not the cessation of competition among partners, that was the evil feared."

And in this connection the language of Judge Jackson in *In re* Greene (52 F. R., 104) may well be read, especially the following:

"It is very certain that Congress could not, and did not, by this enactment, attempt to prescribe limits to the acquisition, either by private citizen or State corporation, of property which might become the subject of interstate commerce, or declare that, when the accumulation or control of property by legitimate means and lawful methods reached such magnitude or proportion as enabled the owner or owners to control the traffic therein, or any part thereof, among the States, a criminal offence was committed by such owner or owners."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It may be that the decision in the Northern Securities case is inconsistent with this opinion (although the decree did not affect the title to the stock which the company acquired), but the opinion is well worth consideration in determining what Congress shall undertake to prohibit for the future.

So, too, should the opinion of Judge Noyes in the Tobacco case, in regard to Section 2 of the Act, have careful consideration. He said:

"An aggregation of capital or property with power to control the market for a product might be brought about by lawful means without the element of combination; and might carry on its operations without the element of oppression. If the mere possession of power is the test of legality, then the inquiry in that case, as in any other case, would merely relate to the present status of the aggregation—what has it power to do?—without regard to its past history or its present methods. Thus a result might be declared unlawful which was obtained by lawful means; an aggregation of capital, criminal, which actually operated to the public benefit. The law that illegality depends wholly upon the power of performance may be settled, but it was not settled when the tendency towards unification of interests was so marked as at the present time. It may be that now in applying the second section of the statute performance, as well as power of performance, should be considered—that the elements of oppression and coercion should be shown to exist to establish an unlawful monopoly."

Since the Act as it is prohibits combination in restraint of trade, it had been held by the Supreme Court that a combination acquiring the power to restrain trade was within its condemnation, without regard to how it used its power. But Judge Noyes doubts whether the acquisition of power to monopolize is prohibited by Section 2. If now monopoly and not combination is the evil to be reached, the suggestions of Judge Noyes are quite pertinent in determining how the amended Act shall be drawn.

Should not the proposal to limit the right of acquisition or the right to combine capital or energies be put aside? Does not the evil to be remedied lie in the improper use of power rather than in the existence of power? The power which comes from acquisition is not evil; the power which comes from combination of capital or from combination of labor is not itself evil; shall the creation of such power be prohibited, because it may sometimes be abused?

Is there any good reason for making an exception with respect to acquisition by combination? The first section of the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Act has undoubtedly caused the prevalence of a notion that there is something inherently bad in combination, that to combine is necessarily wrong. But this is obviously unsound. Men almost every day combine for good; not so often for evil.

In the Tobacco case, Judge Noyes says:

> "Whether a transaction amounts to a sale or to a combination depends upon whether the vendor parts with all interest in the business sold, or merely changes the form of his investment. A *bona fide* sale of a plant for cash or its equivalent possesses none of the elements of combination. An exchange of one plant for an interest in united plants possesses all the elements of combination."

And this is reasonable as a matter of construction of the present Act. But it comes to this, that if A, owning a competing plant, sold it to the Tobacco Company, there was or was not a violation of Section 1, according as the consideration was stock, on the one hand, or cash or bonds on the other. Should there be such a distinction? The acquisition by one corporation of many plants creates power in a particular branch of industry. Does it make any difference as to such power, or as to the possible abuse of such power, whether the corporation is owned by those who formerly owned the plants or by others equally competent?

Beyond the conclusion that the use of power, rather than the acquisition of power, should be regulated, and that such regulation should seek to prevent monopolizing, and that some kind of duress, with intent to monopolize, is a necessary element of what should be denounced as criminal or illegal, Mr. Taft does not seem to have gone in any public utterances as to the substance of the Act as it should be, which have come to my attention. But, this conclusion being accepted, there will still remain questions enough, and questions difficult enough, to satisfy the keenest minds. Among them are the following:

How far can we go, and are we willing to go, in taking away rights which have hitherto been incidental to or involved in the ownership of property—or, in other words, in taking away the monopoly which is of the essence of private ownership? Can we make one rule as to labor, and another as to capital which is the product of labor? Can we make one rule as to the big traders and another as to the little ones? Are the little traders so given to fair dealing that we may with reason and justice regulate the competition of the big traders alone? If so, where shall the line

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be drawn? How shall we define, so that all may understand, what acts are condemned as "monopolizing"?

And, perhaps, the most difficult questions spring from the fact that, while decisions under the Act as it is, especially that in the Tobacco case, declare that its underlying thought is that competition should be free and unrestrained, most of the later suggestions in regard to Trusts are proposals to restrict competition. Coercion by competition, or "the ferocious extreme of competition," is what now seems especially to call for legislative interference. How shall the Act be drawn so as to make competition free in the interest of consumers, and at the same time restrain competition in the interest of the weaker among competing producers and traders?

Evidently the work of amending the Sherman Act requires very careful consideration and the best of ability. There should be no dissent from the demand that that work be taken up and prosecuted upon the lines indicated by Mr. Taft in his speech before the Ohio Society.

THOMAS THACHER.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LITERARY MEN AND PUBLIC AFFAIRS.

BY BRANDER MATTHEWS.

In one of the later decades of the nineteenth century, a politician who felt himself to be pre-eminently practical sought to dismiss all further consideration of a certain proposed measure by the discourteous assertion that it was advocated only by a lot of "those d——d literary fellows." This practical politician probably prided himself on being one of the plain people; and, no doubt, he believed that he was appealing to a wide-spread prejudice. Certainly, he would have been as deeply pained as he would have been astonished could he have foreseen the second administration of the twentieth century, when the President of the United States, the Secretary of State, the Ambassador of the French Republic and, later, the Ambassador of the British Empire, should be, all of them, "literary fellows." Had he survived to behold this strange coincidence, it would not have been easy for him to account for the high esteem in which Mr. Roosevelt and Mr. Hay, M. Jusserand and Mr. Bryce, were held by the practical politicians and by the plain people also.

Yet there may be profit for men of letters, as a class, if we take time to ask ourselves what underlay the distrust of this practical politician, and to inquire what warrant he had for it and what support he might hope to find in the opinion of the average man upon whose sympathy the professional office-seeker must ever rely. And we may begin by admitting that this plain-spoken spoilsman was only voicing an opinion long-standing and wide-spread. However inexplicable it may seem to us, it is a fact that both the plain people and the practical politicians have often displayed a certain suspicion toward the "literary fellow"; and they have often acted on the belief that he was likely to be little better than an impractical theorist. This is no new thing;

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Machiavelli, for example, was a man of letters, with the acutest insight into practical politics as the game was played in his time and in his country; and yet the code of practice which he drew up for the guidance of his Prince was not rewarded by the gift of responsible office. The little Italian republics of the Renascence,—like the great American Republic centuries later,—often availed themselves of their men of letters as envoys to other Powers; but they rarely entrusted these "literary fellows" with positions of authority. However ably and adroitly Dante and Boccaccio and Petrarch might acquit themselves of their missions abroad, they were not rewarded at home by being made rulers of men. And here in the United States, while we have been glad to see ourselves worthily represented in foreign parts by Bancroft and by Motley, by Irving and by Lowell, we have not often been moved to elect men of letters to high office in the nation or in the State; and, even when we have seemed to choose them for office, the election has generally gone to a statesman who was also an author rather than to an author who was also a statesman. The fervid rhetorician who wrote the Declaration of Independence and the historian of the "Winning of the West" are the only men of letters who have ever risen to the Presidency; and their interest in politics is acuter than their interest in authorship.

In the opening chapter of Cooper's "Pathfinder" an old sailor on a trip through the woods is told by an Indian that the smoke they see curling above the trees must come from a fire made by a white man, since it is denser than it should be, because it arises from wood wetter than any fuel a redskin would ever use. "Tuscarora too cunning to make fire with water," the Indian explains; "pale-face too much book and burn anything; much book, little know." And the old sailor readily admits that this is reasonable, and that "the chief has sensible notions of things in his own way." A little later in the same tale Leatherstocking himself declares that he never "believed much in the learning of them that dwell in towns, for I never yet met with one that had an eye for a rifle or a trail." What is this but a belated echo of Festus's saying, "Too much learning hath made thee mad"?

Perhaps a part of the hostility toward Cooper himself, which was rampant about 1840, was due to the disgust of the journalists of that provincial period evoked by the spectacle of a man of letters, a mere teller of tales, who ventured to hold firmly and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to express frankly opinions of his own about the social order, about politics, and about statecraft. These were themes which the newspaper men reserved for themselves and which no "literary fellow" had a right to meddle with. The journalists of those days may have been irritated by Cooper's plain speech and by his curt contempt; but they had a deeper grievance. They deemed it a gross piece of impertinence for a novelist to stray from his story-telling, and they bade him "stick to his last." So the practical politicians of a New England State recently waxed indignant at the interference of one of Cooper's disciples as a historical novelist when this story-teller made bold to protest against political conditions which seemed to him intolerable.

It is only fair to admit unhesitatingly that there is not a little to be urged in behalf of this belief that men of letters often go off half-cocked when they see fit to discuss political affairs. They often obtrude political opinions which are not the cautious result of a deliberate examination of the whole situation. Perhaps the novelist and the poet are inclined to be somewhat impractical; and perhaps they are not more likely than any other member of the community to be gifted with political sagacity and with statesmanlike insight into the needs of the future. Perhaps, too, many "literary fellows" are wont to take themselves too seriously, and to claim that their possession of "the vision and the faculty divine" makes them wiser than the rest of the world. Even poets and novelists of indisputable rank have often revealed themselves fantastic and absurd in their rash adventures into political speculation. In the ideal communities they have vaguely glimpsed, there is frequently a thin unreality. They are wont to balloon themselves up into a rarefied atmosphere where the ordinary man cannot breathe. The plain people would have been sadly misguided had they attempted to take their politics from Shelley, for one, or from Balzac, for another; nor would they have found a much more solid support in Hugo or in Hawthorne. Cooper stands out as an exception among later poets and novelists, in that he had thought seriously about the organization of society.

It is in his delightful biography of the author of the Leatherstocking Tales that Professor Lounsbury has occasion to refer to the alleged poet Percival, and the witty critic tells us that, as this versifier "invariably proved himself entirely destitute of common sense in his ordinary conduct, he was led to fancy that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

he was not only a man of ability, but a man of genius." Not a few crude geniuses seem to have accepted the theory implied that genius is always crude. And not a few of those who ought to know better lazily consent to this false view, admitting a plea of the irresponsibility of genius as an adequate excuse for the weaknesses of Poe and Coleridge and for the vagaries of Musset and Villon. But nothing ought to be clearer than that real genius never shirks responsibility, and that it is ever buttressed by common sense. The truly great men have been idealists who had a sustaining grasp on the realities of life. Sophocles, for example, was entrusted with command in battle; and Milton was charged with the delicate duties of diplomatic correspondence.

A mandarin complacency is not a characteristic of the truly great man of letters. Rather is it the truly small "literary fellow" who is likely to reveal an insufferable self-sufficiency, and to assume that his gift of expression supplies him also with opinions worth expressing. The narrow-mindedness of the mere "literary fellow" of this shallow species was never more cruelly self-exposed than in the journal of the Goncourts. They had a pretty gift of description and even a certain felicity of sentimental analysis; but they were appallingly ignorant and fundamentally unintelligent. They were absolutely incapable of apprehending a stimulating generalization; and yet their marvellous conceit prevented their seeing the pitiful figure they presented at the Magny dinners when Taine and Renan were discussing questions of large importance. Not only were their minds hermetically closed to a new idea, but they were actually unaware that it was new and that it was an idea.

Even in discussing his own special art, the poet or the novelist may disclose his sharp limitations. While many of the most suggestive and inspiring of æsthetic essays have been due to the pens of the practitioners of the several arts, Fromentin and La Farge, for instance, Stevenson and Howells,—artists who happened also to possess a keen insight into the principles of their crafts,—the large majority of the treatises on poetry and on fiction written by the poets themselves, and by the novelists, are devoid of any real value. The writers reveal the fact that, even though they may have the gift of the lyrist or of the story-teller, they lack the gift of the critic. These articles prove once again that the artist does not need to know more about his art than

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

how to practise it, and that he may himself apply his principles, unconsciously and yet satisfactorily, although he is quite unable to formulate them for others, in default of the philosophic endowment which is not a necessary part of the artistic equipment.

Mrs. Siddons and Salvini were great actors beyond all question; but the papers they prepared on the art of acting were entirely without significance. Victor Hugo was the foremost of French poets; but his famous manifesto of revolt, the preface to "Cromwell," in which he sought to declare a body of doctrine and to lay down the law of poetic evolution, is a revelation of his incapacity for critical thought. So also the series of strenuous essays in which Zola, a novelist of epic power, undertook to forecast the development of fiction shows that he failed to understand even his own method. Now, if these artists and these men of letters are sometimes discovered to be hopelessly at sea when they set out to consider their own special departments of human endeavor, how much more astray are they likely to find themselves when they go outside the boundaries of their own calling!

It was in his incisive essay on Shakespeare that Bagehot, shrewdest of observers, was moved to explain "the reason why so few good books are written." He asserted that it was because "so few people that can write know anything. In general, an author has always lived in a room, has read books, has cultivated science, is acquainted with the style and sentiments of the best authors; but he is out of the way of employing his own eyes and ears. He has nothing to hear and nothing to see. His life is a vacuum." This may seem harsh; but it is not unjust to a large proportion of mere "literary fellows." They know little or nothing except books. They have cultivated the means of expression; but they have to express only what they may find in their libraries. They do not know the world beyond their bookshelves. They are men of letters, not men of action; and often they are not men of thought. When one of them happens to have a doctrine he can so wing his message with flame that it reaches the hearts of men; and this is what made Rousseau so powerful and so dangerous. And, on the other hand, when the man of action happens also to have the gift of expression, we get one of the books the world will not willingly let die,—the "*Commentaries*" of Cæsar, the autobiography of Cellini or the "Memoirs" of Grant.

The attitude of the practical politician and of the plain people

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is thus seen to have a certain justification in the frequent willingness of "literary fellows" to declare opinions which are not the result of study and of acquaintance with the subject, and which therefore had better not be made public. To say this is to suggest that the man of letters who uses his power of expression as though it gave him a right to speak with authority about themes to which he has paid only superficial attention is really a traitor to his craft, in that he exposes the whole guild of authors to a contempt which is not without excuse,

Although it may be confessed that "literary fellows" have not infrequently laid themselves open to the reproach of talking when they really had nothing to say, it needs to be noted that some portion of the vague distrust of the plain people here in the United States has had another origin. It seems to be a survival of our inheritance from early Colonial conditions, when the sturdy settler had more or less reason to look with suspicion on all possessors of superior education as likely to be supporters of the aristocratic tradition which he was striving to disestablish. "In the minds not only of the Pilgrims and the Puritans, but also and in even stronger degree in those of the Quakers, the Huguenots and the Palatinate Germans intellectual activity that went beyond the limits set by theology or practical politics was associated with culture," so Professor Giddings has reminded us; and "culture was associated with leisure, opportunity, worldly indulgence. These, in turn, were associated with oppression." The same acute observer suspects that there was a feeling of hostility to worldly learning in the early American days that partook of class-conscious antagonism; "to be overmuch interested in merely intellectual pursuits was to be in a degree disloyal to the common cause."

Closely akin to this easily understood hostility,—which is not in itself unworthy,—there is another inherited feeling born of our primitive conditions and still surviving here and there long after these conditions have departed. In a new community, fraying its way in a new land as best it can, every one must do everything for himself; since there is no one at hand to do it for him. There can be no division of labor, no specialization of function; and every man is compelled to be a Jack of all trades. This breeds in the race self-reliant resourcefulness; it stimulates ingenuity and inventiveness. Men forced to find out new ways of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

doing old things are trained to face an emergency and to front the unexpected need. This undaunted facility in turning one's hand to anything is now a developed characteristic of the American people, and it is one of our most precious assets in the economic struggle for the markets of the world.

But this transmitted inheritance has one obvious disadvantage. It tends to spread abroad a belief that any man can do anything about as well as any other man can do it. It leads to the assumption that any man is fit for any post. It makes us contemptuous of all special knowledge and resentful of all expert advice. It accentuates the suspicion which the average man of our English-speaking stock has been wont to show toward the "theorist," and which has often tempted him to the overt absurdity of declaring that certain things "may be all very well in theory, but they won't work!"

Once more candor compels the confession that now and again the practical man's contempt for the theorist has been intensified by the occasional mistakes of these experts, who were not quite so expert as they thought themselves. Once upon a time a theorist proved to his own satisfaction that a ship could not possibly cross the Atlantic under steam because it never could carry coal enough. And a later theorist was moved to explain that an ice-yacht could not possibly go faster than the wind.

It has happened, also, that rule-of-thumb readiness has sometimes achieved an immediate result not so swiftly attained by a more scientific thoroughness. In the early days of the Civil War a General halted his troops on the banks of a river half a mile wide, ordered his engineers to make plans for a bridge, and informed a New England Colonel that the building of the bridge would be confided to the Yankee regiment. The next afternoon the Colonel called on the General, who told him that the engineers would soon have the plans ready. The Colonel smiled as he answered: "I don't much care about the pictures; you see, my boys have got the bridge built!"

In a community where this sort of thing could happen there need be no wonder that the practical man was impatient of the theorists and of the experts. He was sufficient to himself, and he had no use for them. But as backwoods conditions disappeared, division of labor had to appear. Specialization of function is the mark of advancing civilization. There is no better evidence of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

our progress than the avidity with which the practical men in charge of our mighty industrial enterprises are now seeking out experts and snapping up all the theorists within reach. And the results of this broadening of vision are increasingly evident outside the field of industry. The American public is apparently awakening to the fact that its servants had better be trained for service, and that its consuls, for instance, will be able to benefit the commerce of the country more amply if they have been forced to fit themselves for their special work.

Probably this broadening of vision will sooner or later effect a wholesome change in the attitude of the plain people toward the expert, the theorist and the "literary fellow." Possibly it may even modify the curiously inaccurate opinion which the average man seems to have as to the College Professors. This opinion is, apparently, a survival from the days when any superannuated clergyman was accepted as an adequate occupant for any chair in any institution of learning. Half a century ago the programme of studies in all of our colleges was narrow and rigid; and anybody who had taken the course in his youth held himself ready in his old age to give instruction in any of the prescribed studies. A little more than a score of years ago, whenever any chair at Columbia College happened to fall vacant, an application was promptly presented by a certain aged alumnus who proffered himself as the proper person for the post, equally willing to impart instruction in Greek or in mathematics, in chemistry or in history. While this worthy clergyman failed of his appointment at Columbia, there were other men no better equipped who did secure chairs in other institutions, as though to confirm the departed belief that those who had failed in everything else were at least capable of teaching.

The programme of studies has been enormously extended of late, and it now covers many new subjects,—biology, sociology, psychology,—as to which the man in the street can have only the haziest notions. With the usual conceit of ignorance, he is unwilling to take the unknown for the magnificent. Only too often is he inclined to dismiss these new sciences as futile, and to hold those who teach these novel subjects as vain triflers not to be taken seriously. And here once more the fault is sometimes to be laid at the door of the professors themselves, rather than at that of the plain people. Now and again one of them, not re-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

strained by the caution his scientific training ought to have instilled in him, rashly adventures himself in fields in which his own special knowledge gives him no advantage, and in which he himself is no wiser than the average man. It would be a sorry spectacle to see a Professor of Rhetoric holding forth on hypnotism, or a Professor of Experimental Psychology emitting empty opinions about the condition of English orthography and about the administration of the criminal law. Bumptious outpourings of this type cannot fail to bring a certain discredit upon scholarship itself, and to confirm the man in the street in a contemptuous distrust of the man of science.

Professor Lounsbury has reminded us that general information is often but another name for scientific ignorance. And the reverse of this is true also, since special knowledge is not infrequently accompanied by a lack of general information. Excessive specialization may lead to excessive narrowness of vision; and a professor, scientifically trained in Germany and conscientiously confining himself to the dative case, may go through life without ever attaining that knowledge of the world and that wider outlook upon life which a broad education ought to have bestowed.

While there are a few professors here and there who are lacking in breadth, and while there are also a few who are not afraid to go out of their depth at the risk of floundering in muddy water, a large majority of the men who now hold the more important chairs in our more important universities have not allowed their scholarship to crush them. They are scholars, first of all, of course, and this they should be; but they are also good citizens seriously interested in the teeming life about them and taking a manly part in the movement for social uplift. They profit by their academic detachment from the business of making money to attain a wider perspective. They tend to be idealists, like the men of letters; they want to peer into the future, and to relate what must be done to-day with what will have to be done to-morrow. Therefore, they are likely to be dissatisfied with the makeshift devices of the practical politicians, who often seek only to remove the symptoms of a distemper in the body politic without regard to the real cause of the disease.

As they have no hesitation in expressing their disapproval of quack legislation, they are likely to come into frequent collision with both the business man who wants an evil condition remedied

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in a hurry and with the professional politician who is swift to pass any act which he thinks the people want regardless of its ultimate effect. And here is a solid reason for the hostility they often arouse. The practical man of affairs, whether in business or in politics, is prone to take short views, and to hold that sufficient unto the day is the evil thereof. He is an opportunist; and he is moved to wrath when the professors provoke him by their calm assertion that no pill has ever yet cured the earthquake.

While the well-meaning man who wishes to have everything made better overnight is offended by the disinterested attitude taken by the College Professor and by the "literary fellow" toward public questions, the man who is actually profiting by present conditions is fiercely resentful. He is belligerent in defending his own, and he is sceptical as to the disinterestedness of his opponents. He impugns their good faith; he imputes unworthy motives; and he relieves his feelings by lumping the "literary fellow" and the College Professor in a comprehensive anathema. And here he exhibits class-conscious antagonism, but it is too frankly selfish not to defeat itself by self-disclosure.

It is an evidence of the common sense of the American people that the prejudice against the College Professors, like that against the men of letters, is rapidly dying down, and that there is beginning to be public recognition and public appreciation of the service they are rendering to the Commonwealth. This recognition is displayed in the increasing frequency with which their advice and their aid are sought in solving the problems of society, and in the greater weight which is attached to their opinions upon the subjects they have studied. This appreciation is due partly to the fact that the public is at last discovering the improvement in the quality of the professors in consequence of the development of the American university, more especially in the larger urban communities; and it is partly due to a growing understanding of the real value of the expert and the theorist.

It is easy to give striking instances of this increasing reliance of the public upon the university for expert aid; and perhaps I may be pardoned if I present a few of them from the recent history of the institution with which I am most familiar. Probably it would not be difficult to select examples as significant from the later experiences of any other of the larger universities in the larger cities. The admirable school-law of New York, now in-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

corporated in the charter of the city, was due largely to the skill and foresight of one Columbia Professor; and another Columbia Professor was a member of the Commission which prepared the charter itself. A third sat on the Commission for revising the tax system of the State; and a fourth had a seat in the Panama Canal Commission. A fifth went out to San Francisco to take charge of the relief work immediately after the earthquake; and a sixth had to ask for leave twice,—first, to act as Assistant-Secretary of State; and, second, to serve as Secretary of the Commission which signed the treaty of peace between Spain and the United States. Two of my colleagues have recently declined calls to take charge of the Museum of Fine Arts in Boston and of the Smithsonian Institute in Washington, while a third has accepted the presidency of the Carnegie Institution.

It would be easy, also, to bring forward many instances of the practical efficiency of men of letters. One "literary fellow," in New York, laid the solid foundation of tenement-house reform. Another, in Washington, prevented the dismemberment of the Chinese Empire. A third established the Naval Academy at Annapolis against the protests of the practical politicians of his time. It was a "literary fellow," risen to be Prime Minister of Great Britain, who had the daring imagination which led him to acquire control of the Suez Canal, and thus to bring about the supremacy of his country over Egypt. And it is to the undying honor of the men of letters of France,—the so-called "intellectuals,"—that, in the blackest hours of the Dreyfus iniquity, they stepped forward to insist on the duty of doing right even though the heavens should fall.

We can see a good augury for the future in the prominent position now awarded by public opinion in America to the College President. The more or less tolerant contempt which the average man has sometimes displayed toward the mere Professor he has never felt toward the President. He knows little enough about the work of the Professor and about the needful qualifications for any particular chair; but he cannot help perceiving that the President must be a man of affairs, having a knowledge of the practical things of life, such as the president of a bank or of a railroad needs must have. Probably the man in the street would not be greatly surprised if he should be reminded that one University President was formerly the editor of a leading

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

railroad paper, or if he should be informed that another University President had declined the presidency of an important trust company. Although the man in the street does not happen to know it, the American College President occupies a position without parallel in Europe; and this position, lofty and detached, gives him a platform from which to speak with authority. Any one who will call the roll of the men now at the head of our older institutions of learning cannot fail to be struck with the fact that almost every one of them is a scholar, who is also far more than a mere scholar. And yet they are, all of them, professors who have been promoted from the ranks.

College Professor and "literary fellow," expert and theorist, seem at last to be coming into their own. It was in the old nineteenth century that the professional politician was guilty of the sneer which has served as a text for these random remarks. Long before the twenty-first century shall loom before us, we may expect to find that the man in the street will have experienced a change of heart. Perhaps we may even hope for a happy day when no smile will come to any lip on reading the cry of Napoleon's soldiers in Egypt as they formed square to repel the charge of the Mamelukes: "Asses and savans to the centre!"

But, in order that this change of opinion may be effected, it is incumbent on the "literary fellows" and the College Professors, on the theorists and the experts, so to control their utterances and so to direct their energies that the plain people will have no excuse for resuming again the suspicious attitude of bygone days. It will be their duty to seek to attain to the type of the cultivated man as set forth by President Eliot—"not a weak, critical, fastidious creature, vain of a little exclusive information or of an uncommon knack in Latin verse or mathematical logic," but "a man of quick perceptions, broad sympathies and wide affinities, responsive yet independent, self-reliant but deferential, loving truth and candor, but also moderation and proportion, courageous but gentle, not finished but perfecting." The closer we can come to this ideal, the less we shall fall behind that of Isocrates, who declared that by "an educated man" he understood "one who can deal with all that comes upon him day by day; who is honest and mannerly in society; who rules his desires; who is not spoiled by good fortune."

BRANDER MATTHEWS.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE CENTURY AND SILVER.

OUR EXCHANGES AND THE YELLOW PERIL.

BY MORETON FREWEN.

In attempting to outline the new phase of the Silver Question within the brief limits permitted in this Review, I must claim the extreme indulgence of the reader. For the road we needs must travel is a road that really girdles the Earth, and any elaborate presentation would involve a history of the precious metals, a history too of those legislative changes which by destroying or impairing the mint-demand either for one or for the other metal have tended to upset the equilibrium, or what economists call the "par of exchange," between the two metals. Further it would be necessary to tabulate and compare commodity prices and price variations over long series of years in the West and in the Orient. The objective of this paper will be reached if I show why this controversy has slumbered for half a generation, and why it now demands far more urgently than ever before the consideration of those then in their nurseries, but to-day in their schools, from whose painful experience and developing intelligence a rational solution will yet be secured. I appeal to the youth of America to study carefully a question which, in the doubt and drift of the last thirty years, has deep-seated a disease certainly perilous, perhaps even fatal to our Western civilizations.

Now, what is there about the metal Silver which can justify a statement apparently so extravagant, and how can it be worth the while of the youth at school to devote himself to a section of economic science complex, cryptic, unsettling? The reply is in a small compass. As the gold price of silver rises and falls, so do our exchanges with eight hundred millions of Asiatics rise

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and fall. For two thousand years and more, the Asiatic has absorbed silver. His "divine hunger" is for that metal; it represents his labor, his capital, his conditions of work and sacrifice. Thus, when silver and the silver exchanges fall, then for every Asiatic desiring to buy our goods, gold and our gold prices have automatically advanced and his power to purchase from us is proportionately reduced. Since 1896, owing to the metallic inflation of our currencies occasioned by the abundance of the new gold supplies, gold prices (and wages) in the West have been rising with unexampled rapidity, while silver prices and wages in the Orient have slightly receded.* This price condition must of itself greatly contract the purchasing power of the Asiatic from gold-standard countries; but, when to this is added the fact that there has been also an unprecedented fall in the exchange value of his money, a fall of almost thirty per cent. in the past twenty months, is it wonderful that our export trades to Asia should be in a state of collapse and that the "open door" of Asia is now a door that opens only outward? In all the world's history of the two metals there have been two and only two catastrophic falls in the gold value of silver, the present fall dating back to July, 1907, and the almost equally serious and more sudden collapse in June, 1893. Smaller falls than these two have not been infrequent since 1873; and even on such occasions the resulting rise in gold prices (measured by Asiatic currencies) has impaired the purchasing power of the myriad-peopled East, and thus depressed many staple trades upon which the well-being of all trade is built up; but the cosmic falls in the price of silver in 1893-4 and in 1907-8 were followed just as we should expect by acute financial convulsions each of which cut the leaves of a new volume in financial history. It seems but a little matter, this fall of some sixteen cents an ounce in silver bullion, just as to primitive man a tiny crack in the earth's crust must have seemed a little matter; but to-day, whether it is in San Francisco or on Manhattan Island there comes this little fissure, and the vast superimposed structures, whether of concrete or of credit crumble and collapse. At the Brussels Monetary Conference in 1893, Baron Alfred de Rothschild, who represented Great Britain, said:

* *V.* Blue Book. "Prices and Wages in India," pp. 218–239, 252–253, 147–155, 267–269, 260–261.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Gentlemen, I need hardly remind you that the stock of silver in the world is estimated at some thousands of millions, and if this Conference breaks up without achieving any definite result there may be a depreciation in the value of that commodity frightful to contemplate, and out of which a monetary panic may eventuate the far-reaching effects of which it is not possible to forecast."

This was the view in February, 1893, of a brilliant cosmopolitan financier. His warning was unheeded and the Conference did adjourn having reached no result whatever. A few weeks later the greatest collapse in the price of silver ever known to history was followed by disasters verily "of far-reaching effect." For every bank in Australia, save one, closed its doors, while one-fourth of the entire railroad mileage of the United States passed into the hands of receivers.

The ability then, to buy our goods on the part of that half of the human family which inhabits Asia depends on the value, in exchange, of their silver money: the greater the fall in silver, the greater the premium they must pay for our gold on every tiny bourse and in every bazaar from the Yellow to the Red Sea. In the past twenty months, silver has fallen sixteen cents per ounce, a further fall of sixteen cents would be a rise of sixty per cent. more in that premium which one-half the race would have to pay for the gold with which it buys the goods of the gold-standard communities.

The fall in silver in 1893 was caused by the closing of the Indian Mints to free coinage; its fall in 1907 was caused by the failure of the monsoon rains in India and the temporary cessation of her exports of soil products. The crisis of 1893 was attributed to the long previous Baring affair, to Goschen's Debt Conversion; the crisis of 1907, to Presidential indiscretions. But the root cause was far different; it was in the stimulus afforded by collapsed exchanges to Oriental exports and the sudden contraction of all that Asia imports. Only thirty-five years ago, the Hongkong exchange on London was four shillings and twopence; to-day it is one and ninepence. Let me translate this statement from its financial vernacular for the man in the street. A few years ago, then, when a Chinaman wanted to buy English cottons, he bought ten sovereigns—that is, a bill of exchange for ten pounds on London, with thirty-one of his silver taels. To-day, while his labor and his products bring him no more taels than in 1873, he

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

must give seventy-seven taels for this same bill of exchange for ten pounds. Is it any wonder then that notwithstanding the splendid efficiency of the American railroad service to the Pacific and America's lines of well-equipped steamships, yet American exports to the Orient languish—so that San Francisco and Seattle, Portland and Vancouver, which should be emporiums for a vast growing trade with Asia, must content themselves with a mere coastwise business. Such then is the position; to each fresh fall in silver as by an electric contact the manufacturing activities of Asia respond; we have seen the mills in Bombay and on the Hugli, the boot-mills of Cawnpore, a thousand scattered factories throughout China and Japan fostered into profitable life by lower and ever lower exchanges. It is not too much to affirm that in thirty years England has seen the entire character of her trade with Asia revolutionized. The houses of her great merchant princes who formerly imported into Asia the fabrics of England and of Europe are largely in liquidation or have now become exporters instead of importers.

So long ago as 1894 Mr. W. S. Wetmore—at that time, I believe the President of the Shanghai Chamber of Commerce—assured me that the importing merchants in the Far East were at the extreme end of their tether. "You will hear no more from us," he said, "as to the race danger of low exchanges. We have done our best to enlighten you and we have failed; now we must devote our energies to exporting and thus recoup ourselves for the terrible losses of the last fifteen years." I hope as exporters these good men of our own race have since done well. Indeed, how could it be otherwise? In 1873, the sovereign was worth in exchange with China about three taels, and three taels then paid for one day the wages of twenty-five Chinamen; but now the sovereign is worth nearly eight taels, and wages being no higher, the sovereign exchanged into the currency of China now pays the wages for one day of sixty Chinamen. Is there any doubt that American capitalist Captains of Industry will, in the next few years, take advantage of such exchange conditions? It is well known that in the Chinese Province of Shansi there are vast beds of coal and iron ore as in Alabama in close proximity; that region is an ant-heap of willing unorganized labor, which will be as potter's clay to the hand of a modern Trust. What a slender barrier even the Dingley

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tariff interposes to the menace of such a competition backed by such exchange rates! To-day China, happily slow to adapt herself, appears to be waiting for some advance in exchange which will permit her to buy from America a railway equipment; her demand is, as it were, dammed back by the break in exchange, but it requires little imagination to foresee that the day is near when the United States Steel Corporation will be a great exporter even to American shores of rails rolled in their own mills in Shansi. In sight, even in 1893, of the race peril confronting us, Senator Jones of Nevada declared at Brussels of the legislation which had brought the exchanges to this pass:

"If this step was taken without full appreciation of the results that were to follow, it was a piece of delirious folly; if with full consciousness of the consequences it was nothing less than an act of treason against the race."

Senator Allison was the Chairman of the United States delegation at Brussels in 1893. In a generation often frantic, headlong and hysterical, the Iowa Senator preserved his poise and carefully weighed the word whether written or spoken. A few weeks before his death, he wrote me, and for publication when the proper opportunity offered, what was destined to be his last word on silver. He said:

"Certain it is that there has been a great advance in gold prices in both countries [Great Britain and the United States], whilst commodities measured in silver in the East remained stable. It would seem that a corrective can be applied in both instances, thus creating stability of exchange. Elaborate your views in this regard with your own people, and it may be that the United States will be in a position ere long to cooperate. I wish you could find time to communicate with Senator Teller, who is wise on these topics."

Such, briefly outlined, is the financial derangement which to-day we call the Silver Question. With every fresh advance of gold prices, this derangement enlarges its area; and those of us who are students of price conditions believe that to-day we are only in the initial stages of this great advance in prices and that in view of the immense and increasing annual supplies of new gold from the mines, the coming depreciation of gold will be the striking economic feature of the next fifty years. I was present, in 1894, at a small informal dinner in London, given by Sir William Houldsworth for the late Professor Francis A. Walker of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Boston, an economist whose writings have now a greater formative influence than those of any teacher since John Stuart Mill. Professor Walker, when asked for a short statement of his views on this exchange problem, amazed us by the evidence of his overmastering anxiety as to breakers ahead. We who were present have since come to see that his prescient warning was no whit too emphatic. This eminent economist, whose works on Money and Wages are to-day classics in seven languages, held up to us as the spectre of the real yellow peril Chinese cheap labor, equipped with cheap silver. Professor Walker concluded:

"I recognize in this silver issue no mere problem in finance; I believe that with its right settlement is bound up the very progress of civilization in the Western nations."

It was a late Speaker of the House of Representatives who crystallized that warning in an admirable phrase. "May not," said Mr. Reed, "the yellow man with the white money cut the throat of the white man with the yellow money?"

I recall that, in 1896, when Japan was still a silver-standard country, the British Consul-General in Hakodate furnished to his Government the following facts. Hakodate, a few years earlier had put in a system of water-mains and had purchased English iron pipes at four guineas per ton. At the then exchange this price per ton was twenty-eight dollars. In 1894 Hakodate required for extensions another 1,500 tons which the same English firm tendered for at four pounds per ton; but in the interval silver had fallen so considerably that now the cost per ton in exchange was forty dollars. In other words, it required nearly forty per cent. more of Hakodate's money to purchase five per cent. less gold. Under these circumstances, Hakodate instead of buying English pipes erected an iron foundry, and when last heard from was exporting pipes to China and India. In view of this incident at Hakodate, and doubtless the spectacle of a thousand more such industrial creations under their own eyes claiming the unquestioned paternity of cheaper silver, the Yokohama Chamber of Commerce on May 15th, 1894, addressed an important memorial to the London Chamber. It concludes:

"Every month of delay in monetary reform does not only a temporary, but a permanent injury to the trade of all countries having a gold standard, as though the eventual righting of the silver question may check the further establishment of mills in Japan and China, those already

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

erected will remain keen competitors of the mills and factories of Lancashire and the West, and there will be great difficulty in ever getting back again the trade now being diverted.

"Already, under the influence of cheap silver, a large proportion of the trade east of the Suez Canal is finding for itself new channels which will gradually be closed to Western competition, and we foresee that further persistence in the present monetary policy of Great Britain must entail an injury to the manufactures and industries of the West, the extent of which is incalculable."

Of the fall in silver, and the subsequent mushroom growth of the cotton-mills of Bombay, the Manchester Chamber of Commerce had already declared in December, 1888:

"We are led to the conclusion that the principal cause which has enabled the Bombay spinners to supersede those of Lancashire in exporting yarn to China and Japan is the great fall in Eastern exchange since 1873. . . . It appears that the geographical advantage enjoyed by the Bombay spinner has been lessening, while his power to compete with Lancashire has been increasing."

Quotations such as these are tedious, and can hardly be necessary at this late date. Enough to say that a fall in silver is but another expression for a rise in the gold premium throughout Asia. New York's merchants when exporting to Mexico, Brazil and the Argentine know by costly experience the embarrassment of a jump in the gold premium with those customers.

I now come to the reason why the initiative in this issue may be more hopefully anticipated at Washington than at Westminster. In the first place, the policy of cheapness at any price is part and parcel of that sweating system we call Free Trade, and as to which British illusions even to-day are not wholly dispelled. Cheap silver, let us admit—that is, lower exchange with India, China and the Straits—has given us "cheap" wheat, cotton, silk, jute, tea, tin and indigo, besides numerous cheaply manufactured products. Where these exports come from India, it is at least arguable that three hundred millions of British wards profit by the fall in the exchange value of the rupee; the Indian obtains more rupees for less gold, and the purchasing power of the rupee is at least as great as ever. But by tradition and by interest America has walked no step down that road to cheapness. Let us examine her record.

Immediately on the resumption of specie payments, America

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

became alarmed at a growing divergence in the values of the two precious metals, hitherto unknown in their history. Accordingly, in 1878, Congress passed an Act requiring the Executive to invite an International Conference to assemble in Paris. The attitude of the United States was embodied by the American delegates in the following proposition:

"It is the opinion of this Assembly that it is not to be desired that silver should be excluded from free coinage in Europe and the United States of America; on the contrary the Assembly believes that it is desirable that the unrestricted coinage of silver and its use as money of unlimited legal-tender should be retained where they exist and as far as practicable be restored where they have ceased to exist."

In 1881 a second Conference was called upon the initiative of the two great Republics. Their joint declaration reads:

"The depreciation and great fluctuations in the value of silver relatively to gold which of late years have shown themselves, and which continue to exist, have been and are injurious to commerce and to the general prosperity, and the establishment of a fixed relation of value between silver and gold would produce most important benefits to the commerce of the world."

Again, in 1893 it was Mr. Blaine who sent out the invitations for the Monetary Conference which assembled in Brussels.

In 1894, in the debate on the repeal of the Sherman Silver Purchase Act, Senator Don Cameron, of Pennsylvania, was able to declare that "from the beginning to the end of this long debate not one voice in either House of Congress has been raised in defence of a monometallic gold currency." In 1895, the following cable, drafted by Senators Hoar and Allison was entrusted to me to despatch to London:

"*The Lord Mayor of London, The Mansion House, London.*

"We desire to express our cordial sympathy with the movement to promote the restoration of silver by international agreement, in aid of which we understand a meeting is to be held to-day under your Lordship's presidency. We believe that the free coinage of both gold and silver by international agreement at a fixed ratio would secure to mankind the blessing of a sufficient volume of metallic money and, what is hardly less important, secure to the world of trade immunity from violent exchange fluctuations.

"(Signed) John Sherman, W. B. Allison, D. W. Voorhees, George F. Hoar, Nelson W. Aldrich, William Frye, C. K. Davis, William Cullom, Henry Cabot Lodge, Calvin S. Brice, O. H. Platt, A. P. Gorman, Edward Murphy, David B. Hill."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The signatures are of those Senators only who had been active in repealing the Sherman Act the previous year. No one else was invited to sign; only one Senator, Mr. Vilas, refused.

In 1896, free coinage at one to sixteen having been defeated, Mr. McKinley immediately after his inauguration despatched the Wolcott Commission to Europe. When the real history of that Commission's work is examined, it will be found that, having surmounted every anticipated obstacle, it just succumbed at the very last moment to the amazing and wholly unexpected opposition of the Calcutta Executive. An international proposal supported by the Governments of the United States, Great Britain and France, a proposal which each successive Government in India had waited for in labor and sorrow for thirty years, was done to death in a despatch which we read between laughter and tears, signed "Elgin, George White, James Westland." There was, however, one correct and noteworthy admission in all this egregious document. The signatories declared, of the advance in silver which the proposed international agreement was designed to bring about, that "*the rise in exchange would kill our export trades.*"

And there is an added reason of great historical interest why the United States should come to the defence of Christendom and rehabilitate the exchange. But for a bill passed by Congress in 1873 there would probably never have been a Silver Question. Very briefly outlined, the currency position in 1873 was this: Great Britain had a single currency of gold, and was, and to-day is, the only free gold market in the world—the only country that pays gold on demand. That other vast annex of the British Empire, India, "the sink of silver," had a single silver currency, while France with mints open to receive impartially either gold or silver (her ratio being one to fifteen and a half), had for long acted as the world money-changer. This accidental structure, for apparently it was quite accidental, this exchange tripod each leg as necessary as its fellow, secured stability of exchange between Asia and South America on the one hand and Europe and North America on the other. By the light of what we have lost we can to-day estimate the infinite importance of exchanges so fixed. I have come to see that England's so-called monometallism, her gold currency and free gold market in the West, her "silver sink" in the East, was quite as essential to the perfect

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

exchange mechanism as was the free mintage of both the metals by France. We may as well endeavor to decide which is more important in an engine, the fly-wheel or the piston. It is vital to any future settlement that we should recognize what England did, because it has been the jealousy of Great Britain's single gold currency (and it is fair to add the extravagant and ignorant language of those who have spoken for her) which have prevented in the past and may again prevent an *entente*. We bimetallists, and it is a wise and proper policy to admit it, have been mistaken. We have attached too great an importance to the open mint of France, too little to the enormous silver subscription afforded by the open mint in India and the free gold market in London. By the light of the disastrous collapse in 1893 which followed in twenty-four hours the closing of the Indian mints, we are now able to see that the prerogative of free coinage in India accounted for fully twenty-five per cent. of the gold price of silver. But for Great Britain and India then, French "bimetallism" which survived extreme fluctuations in the supply of the two metals for a hundred years, was at no time worth five years' purchase. Look closely at the perfect operation of the triangular exchange mechanism in London, Paris, Bombay before 1874, and its equilibratory action becomes clear. England was in effect just as "bimetallic" as France. The Paris mint being open equally to the merchant of London or the merchant of Lyons, thither repaired the London merchant who in trading with India, China, Chile, wished to change any fifteen and a half ounces or tons of silver for its gold equivalent. But it is easy to conceive conditions of supply which might have so saturated with silver the currency and reserves of France as to exhaust all her gold. How, then, did France replenish her gold reserves? The reply is that, through the intermediary of her own or British merchants, she threw her silver into Asia let us say into Bombay, and there exchanged it against India's staple exports which, billed to London, were a draft on the free gold market of the Bank of England. Thus any fifteen and a half ounces of silver carried to the French mint was, by way of Bombay, a demand draft on the Bank of England for an ounce of gold. It is hardly possible to conceive conditions which could permanently impair the perfect operation of this exchange triangle. How, then, did it break down? France, it may be admitted, was the culprit.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

She closed her mints to silver in 1874; India continued her bimetallic subscription, namely, free coinage, until 1893; Great Britain quite superfluously still remains a free market for gold. Why she continues her subscription to a club which has long since closed its doors, and thus exposes her traders to vast frequent changes in her bank rate, her mandarins may explain. Perhaps high discount rates are profitable to her bankers. We may recall the official reply to Lockhart who when in China expressed surprise at the malformation of the smart ladies' feet. The mandarin replied that many respectable old women gain a livelihood by binding feet.

Such was the position of silver in 1873, when Germany, flushed with the successes of war, richer by a war indemnity of a thousand million dollars, proposed to throw her entire currency which was of silver on the French mints and exchange it for gold. It is possible that France may have been really alarmed as to her ability to carry through an exchange operation so unprecedented, at a time too when the annual yield of gold from the mines was less than one-quarter of our present supplies. But French statesmen have since declared that it was the demonetization of silver at that supreme moment by Congress at Washington which was for France the deciding factor in her abandonment of silver.

A short digression is now necessary to explain what it was that had taken place at Washington, and from what legislation there the Silver Question really dates. Silver, its free coinage and unlimited legal-tender, was provided for in the Constitution. Alexander Hamilton's consideration of this complex question was exhaustive, and evidenced as we should expect a master mind. He had, however at one to fifteen fixed the relation of silver to gold too high. At this rating, silver was worth three per cent. more at the American than at the French mint, and thus silver stayed in America and gold went to Paris. At that time, however, a merely theoretical objection attached to this, seeing that, as a legacy of the long wars, Great Britain, France and the thirteen revolted Colonies were all employing currencies of depreciated paper. But by 1834 the position had greatly altered; and to prevent the wholesale exportation of the American silver currency and the substitution of French gold Congress altered the ratio from one to fifteen to one to sixteen, and this, not by rais-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing the amount of silver in the silver dollar, but by reducing the grains of gold in the gold dollar. At this rating, the position was reversed; now no one would bring silver to the American mint when by taking it to Paris he could exchange it for three per cent. more gold. So that at one to sixteen American bimetallism was merely a pious opinion, and all America's silver product was exported. Yet the moral effect must have been very great. The youthful giant was growing up to man's estate, and France knew well that if ever her very profitable task as the world's money-changer became difficult from any cause, such as Germany's wholesale demonetization of silver, she had only to slip back from her fifteen and one-half rating to America's sixteen to one, share with America the mint *agio,* and her potential of exchange would be at once doubled or trebled.

My reader of to-day must be very young if he retains no memory of the Presidential campaign of 1896. The proposal then defeated was nothing more and nothing less than to reverse an Act passed by Congress in 1873, and to restore the *status quo ante.* That was all. The constitutional prerogative of silver had been rescinded in 1873 without putting in motion the machinery required to amend the Constitution. Should it be restored? I am not concerned with the furious contention whether the United States could hold the scales evenly as France had previously held them. From the experience of June, 1893, it appeared that the divergence in the gold price of silver, with a mint open in India and a mint closed in India, was twenty-seven per cent.; so that, if the India mint had reopened in 1896, silver then thirty pence per ounce might advance to thirty-eight pence. If again supplementing India's free coinage the United States reopened its mints at one to sixteen, would that added demand for silver raise the gold price to fifty-eight pence? As to this query, I express no opinion; the issue is dead and can know in that form no resurrection. It is enough to say that high economic authority could be cited in support of either view.

But especial reasons there were why the Demonetization Act of 1873 should be reviewed, and perhaps revised. By the light of the political pyrotechnics of 1896, we know what the outcry would be if to-morrow morning the nation awakened to find that into the wordy preamble of a River and Harbor Appropriation Bill a clause had been smuggled through admitting silver

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to free coinage. Yet precisely of this nature was the Demonetization Act of 1873. The American nation was no party to the change in the money of the Constitution; this vastly important change, incredible as it may seem, was not merely never debated, but it depends upon the punctuation of a sentence in an amendment to a Bill introduced by a highly respected member, Mr. Kelly, of New York—a Bill to codify the various mint laws for the public convenience. The fact must be borne in mind that the national currency at that time was inconvertible paper and that the premium on gold and silver was still sufficient to debar both metals from the mints. Such being the position, members of Congress and the public were not wide awake as to the future results of tampering with the currency laws. But the dawn of specie payments was at hand, and the prerogative of silver in the Constitution would not only have made that painful but necessary operation, Resumption, much easier, but would have given French statesmen entire confidence during that crisis which was about to require all their courage.

We first find a Bill introduced in 1872 by Mr. Kelly to codify the mint laws. A little later, this Bill being in the Senate, is amended. Section 16 of the amended Bill reads as follows:

"The silver coins of the United States shall be a dollar, a half-dollar, a quarter-dollar and dime; and the weight of the dollar shall be 384 grains, the half-dollar, quarter-dollar and dime shall be, respectively, one-half, one-quarter and one-tenth of the weight of the said dollar, which coins shall be a legal-tender at their nominal value for any amount not exceeding five dollars in any one payment."

Thus, with a full stop in place of a comma after "384 grains," the money of the Constitution would to-day be the money of the Constitution still, the silver dollar an unlimited legal-tender, but its divisions mere fractional currency. The professed purpose of the Senate amendment appears to have been to assimilate the American ratio, one to sixteen, with that of France, one to fifteen and a half. Senator Sherman said:

"The Bill proposes a silver coinage exactly the same as the French, . . . and in order to show this, wherever our silver coin shall float and we are providing that it shall float all over the world, we propose to stamp upon it instead of our eagle the fineness and weight of the coin."

Observe that Senator Sherman uses the words "proposes a silver *coinage* exactly the same as the French." To his auditors

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

this inevitably conveyed "a coinage of silver exactly the same as the French," and France had enjoyed the free coinage of silver for a hundred years. The nation was to discover, a little later, to its amazement, that this dollar which was to "float all over the world" was not even to be recognized as "honest money" at home; that it might neither pay debts nor taxes, nor go on deposit at a bank, and that its user violated every contract which called for legal-tender money. The genesis of this blunder who can say. The Forty-fourth Congress of the United States must have been quite in the twilight as to the whole question of silver and was thus a careless guardian of the Constitution. To advance any other view would be to reflect upon the intelligence or the probity of heroes in the American Valhalla.

Grant was President; eight months after he had signed an Act forever excluding silver from the mints, we find him writing to his friend, Mr. Cowdrey:

"I wonder that silver is not already coming into the market to supply the deficiency in the circulating medium. When it does come, and I predict that it will soon, we shall have made a rapid stride toward specie payments. . . . Silver will have become the standard of value."

General (afterwards President) Garfield said at Springfield:

"Perhaps I ought to be ashamed to say so, but the truth is that I . . . never read the Bill."

Senator Beck, of Kentucky, from whom, in 1880, the writer first heard this strange story of silver, said:

"What I complain of is that this House never knew what was in the Bill."

Senator Allison, of Iowa, said:

"When the secret history of this Bill comes to be told, it will disclose the fact that the House intended to coin both gold and silver, and intended to place both metals upon the French relation instead of our own."

Senator Voorhees, of Indiana, after declaring that he had no idea, when voting for the Bill, that it in any way affected the legal-tender status of silver, appealed to Senator Blaine:

"Did he know as Speaker of the House that the silver dollar was demonetized in the Bill?"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

To which Senator Blaine made answer:

"I did not know anything that was in the Bill."

Mr. Holman, of Indiana, said:

"I have before me the record of the proceedings of this House on the passage of that Bill—a record which no man can read without being convinced that the measure and the method of its passage through the House was a colossal swindle. I assert that the measure never had the sanction of the House and does not possess the moral force of law."

Mr. Bright, of Tennessee, said:

"The Bill passed by fraud in the House, never having been printed in advance. It was passed under such circumstances that the fraud escaped the attention of some of the most watchful as well as the ablest statesmen in Congress."

Finally, let me quote Mr. Kelly, the father of the original measure thus strangely mishandled; Mr. Kelly said:

"I wish, gentlemen, to know what the Bill was; it was a Bill to reorganize the Mints, and it was passed without allusion in debate to the question of the retention or abandonment of the standard silver dollar. I was the Chairman of the Committee that reported the original Bill, and I aver upon my honor that I did not know that it proposed to drop the dollar. . . . The Committee on Coinage, who reported the original Bill, were faithful and able and scanned its provisions closely. As their organ, I reported it. Never having heard till long after its enactment of the substitution in the Senate of this section which dropped the standard dollar, I know nothing of its history. But I am prepared to say that in all the legislation of this country there is no mystery equal to the demonetization of the silver dollar of the United States. I have never found a man who could tell how it came about or why."

"In all the legislation of this country, there is no mystery equal to the demonetization of the Standard Dollar." Such is the verdict of the Chairman of the House Committee on his own Bill which demonetized the dollar, and which is chiefly responsible for a Silver Question all over the world. I may take occasion, later, to suggest such remedial legislation as would raise our rates with Asia, and, at the same time, strengthen and entrench the Gold Standard in the West.

MORETON FREWEN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FOR SIX AMERICAN CARDINALS.

BY HUMPHREY J. DESMOND.

THE recent Papal decree, of date June 29th, 1908, remodelling the Roman Congregations, taking the United States out of the category of missionary countries and placing it in a co-ordinate place with Italy, France and Spain in the family of Christian nations, may presage other changes also. America may entertain some hope that the very inadequate representation of the Western Hemisphere in the College of Cardinals is now at last to be remedied. Ever since Pope Sixtus V, in 1586, ordained that the number of Cardinals should never exceed seventy, Italy has enjoyed almost a two-thirds preponderance in the College.

The Catholic population now under the American flag may be safely estimated at twenty-four millions, or nearly one-tenth of the entire Catholic population of the world. Numerically, America should be entitled to at least six Cardinals. For more than ten years past the American press has, at regular intervals, alluded to the probable appointment of "a second American Cardinal," and rumors as to the identity of the prelate selected for this honor have found ready publication. That nothing has thus far resulted is due to many circumstances, not the least of which may be that America (and in this she is unlike herself) in being too modest, in discounting her fair claims, has had to make way for more insistent interests.

In church government we do not complain of taxation without representation, nor is it in the ecclesiastical constitution that representation shall have some relation either to taxation, numbers or geographical area. Yet these further considerations are worthy of some regard: The United States is second in the amount of its contributions to the great missionary society of the Church — the Society for the Propagation of the Faith; it

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

excels all other countries but one in its contributions to the Peter's pence; and in response to these two great appeals of the Church it gives four times as much as Italy and Spain combined.

Distinction in churchmanship is usually the pathway to the dignity of the Cardinalate. This is as it should be. But the requisite distinction is more easily earned in Italy than elsewhere. Bishop Allegretti of Orvieto (the names are, of course, fictitious) persuades the Prince of Monaco, who contemplates visiting the King of Italy at Rome, that, as a Catholic sovereign, he had better not. Mgr. Allegretti is rewarded for this diplomatic triumph with a red hat. Bishop Bonnelli of Marsala displays great heroism during the cholera epidemic. All Italy applauds. Mgr. Bonnelli is recognized at the next Consistory. And so on. Very excellent; very commendable!

On the other hand, an American Archbishop adjusts the long-standing Pious-Fund controversy with Mexico, cleverly and ably, before The Hague Tribunal. Were he an Italian prelate, his achievement would undoubtedly mean that he would be a Cardinal within the year. An American Bishop goes to Rome as a member of the Taft Commission on the important business of settling the vexed Friar issue. Undoubtedly the Bishop's knowledge of conditions vastly contributed to the result achieved, which was so satisfactory to Rome and so honorable to the United States. The episode would mean a Cardinal's hat for the Bishop were he only an Italian.

In 1902, when the great anthracite-coal strike threatened the welfare of America as no other industrial conflict ever had before, President Roosevelt took the extraordinary step of appointing a Commission of three to arbitrate the matter and settle it. A distinguished American Bishop was one of these, and his presence on the Commission won for it the confidence of the workingmen involved. The Commission's labors were successful, and, had this occurred in Italy, the Bishop would now be a Cardinal.

Another illustrious American prelate for many years has been a notable figure in the public life of the United States. Rome has long known this. Ten years ago Leo XIII, wishing to prevent the Spanish-American war, called upon him for assistance,—at a time, however (after the blowing up of the "Maine"), when nothing except the interposition of Divine Providence could have postponed the inevitable conflict. That prelate's diplomatic

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ability, his immense personal popularity throughout the country, altogether aside from his achievements as a churchman (which are also notable), would have made him Cardinal Secretary of State, or even Pope, if he were but an Italian.

At present, according to the latest (1909) Catholic Directory, there are fifty-five Cardinals, of whom thirty-four are Italians. Of the twenty-one Cardinals graciously allotted to the rest of the Catholic world five are Spanish or Portuguese and four French, so that the Latin countries (Italy, Spain, Portugal and France) have forty-three of the fifty-five Cardinals.

Latin preponderance in the government of the Church is not divinely prescribed; yet it has come about in the nature of things. We would not see it rudely assailed, in a spirit either of schism or nationalism. But, with all respect for things as at present constituted, we do not overlook the facts of human nature.

It might be felt as a guarantee of wiser policies if the welfare of the Church were not so overwhelmingly in the keeping of Latin prelates; if the counsels of the rest of the Catholic world were reasonably valued and more adequately sought, so that the Senate of the Church should resemble, in its fairness and fulness of representation, a Great Council of the Church. And why not?

The Cardinals are not merely called upon at long intervals to elect a new Pope. They are the advisers of the reigning Pontiff. The Cardinalate dignity is, therefore, not merely a decorative one; it has a meaning for the nations and peoples honored with a fair allotment of representation in the College. Their interests, their zeal, their spirit of Catholicity, their ideals of religion, their missionary purposes, have a weight and influence proportionate to the adequacy of their representation. Humanly speaking, the administration of the Church would gain in wisdom and power by being as well balanced and representative as possible.

The growth in importance of the College of Cardinals, and the relative decline of the episcopacy, is one of the interesting evolutions of church government. At one time, some Bishops outranked Cardinals; but, for many centuries, Cardinals have taken precedence of Bishops, Archbishops and even Patriarchs. They are not merely nobles in the great ecclesiastical empire of Christ; they outrank the secular nobility and claim an equal footing with kings and emperors, whom they address as "brothers." The influence of the episcopacy in the general government of the church

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

has declined in the process of time, because the Cardinals have absorbed their power. Indeed, having obtained pre-eminence over the Bishops, they have attempted in the past to abstract, for the furtherance of their own importance, from the prerogatives of the Pope; and to make the government of the Church something of an oligarchy. It required the issuance of a Papal Constitution (by Innocent III in 1695) to arrest this process. A German historian, Wenck, has written learnedly on "The Oligarchic Tendencies of the College of Cardinals." A Cardinal is not only a Senator of the Church, but often virtually a Cabinet Minister of the Pope, and the head of a department of church administration. One of his prescribed duties is to counsel the Pope on the government of the Church, and, according to some authority, even to reprove His Holiness.

Our Bishops and Abbots, or heads of religious houses, are good men, working harmoniously in the harvest field of Christ; but, should any disagreement occur between them, it is quite probable that the Abbot would always exert a stronger influence at Rome than the Bishop. A religious order is usually more potent at Rome than a Board of Archbishops. An unofficial envoy of the British Government has been credited with exerting more influence at the Vatican than the whole Irish episcopacy.*

It is only by some adequate representation in the College of Cardinals that this situation can be redressed. North America has but a single Cardinal. It is as if all the Senators and Cabinet officers of the Federal Government were selected from New England, and the great West and South were to be satisfied with postmasters and collectors of internal revenue.

There were reasons, many years ago, why Italy should have a preponderance of Cardinals. These reasons no longer exist.

1. The Pope was a temporal, as well as a spiritual, prince. His subjects naturally had a superior right, as compared with other peoples, in his election. In the earlier centuries, both the laity and clergy of Rome participated in the election of the Pope. The superior claims of locality were undisturbed even when the College of Cardinals was instituted. But the Pope has ceased *de facto* to be a temporal sovereign. It is a generation since the Pope-King actually reigned in Rome. He is now solely a spiritual potentate, and his flock is the world. This changed situation may

* See Michael Davitt's "Fall of Feudalism in Ireland," ch., xxii.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

or may not be permanent. But, while it exists, its equities seem to be worth regarding: especially as it was Rome and Italy which dethroned the Pope-King.

2. Seventy years ago it might have been claimed that, if the Cardinals were distributed all over the world, it would take too long to gather a quorum of them at Rome. Electricity and steam have altered this situation. Baltimore is now nearer to Rome than Venice was a century ago. To-day it takes but a few minutes for a cable despatch from Rome to reach Baltimore, and, if necessary, Cardinal Gibbons might be walking up the steps of St. Peter's ten days after receiving the summons to the conclave.

A legislative or administrative body, composed almost wholly of men similar in race and environment, trained and educated under the political, social and economic conditions of the Latin countries, must, humanly speaking, have a different outlook from that of a body of men composed of Latins, Germans, English and Americans. And, if the affairs to be discussed and settled are world affairs rather than Italian affairs, the body that is cosmopolitan in its formation is apt to be wiser and safer.

That expression in Papal promulgations, "*urbi et orbi*,"—the city first and then the world,—denotes an inevitable point of view; the relative bigness of the Catholic universe has not been fully contemplated at times, and this has worked to the disadvantage of religion.

An eminent Catholic historian, Dr. Pastor, in his "History of the Popes since the Close of the Middle Ages," treats very fully of Leo X, in whose pontificate Martin Luther appeared and Protestantism arose. Dr. Pastor's opinion is very clearly expressed to the effect that Leo X underestimated the seriousness of the forces at work out in the rest of the Catholic world, because he allowed himself to become too much absorbed in the material and artistic development of Rome. Had his court been less exclusively Italian, had he had among his advisers a number of German "Princes of the Church," or a number of French Cardinals, who knows how much of the after-events, that spelled two centuries of bloody religious wars, might have been avoided?

To-day the Latin nations are spoken of in some quarters (whether justly or unjustly, we will not affirm) as "decadent nations." But, whether they are decadent or not, there is no question that the clerical parties in all of them are failures. These

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nominally Catholic peoples have spurned the professedly Catholic parties. By some process of continuous blundering or fatuous impolicy, Catholic leadership has lost the confidence of the Latin nations. May not the question, then, naturally arise: Whether Latin Catholic leadership, having made so bad a mess of its national Catholic concerns, is pre-eminently qualified to have practically exclusive charge of international Catholic concerns? Also: Whether the safety of the Church may not require more of the counsel and assistance of the sort of Catholic leadership which has presided over the growth and prosperity of Catholicity in other lands—notably in the United States?

Not only has Latin leadership in the Church been unfortunate (we do not say wrong or mistaken) in its handling of the relationships of religion to the social and political life of the Latin nations, but there are reasons for regarding the same exclusive leadership as responsible for certain unfavorable conditions in the present state of religion. It is merely stating a fact of history to say that there have been epochs of great missionary achievement in the annals of the Church, and also other contrasting epochs characterized by general apathy and a marked recession of energy and evangelism. The apostle and the censor live in both epochs, for both have a legitimate place; but in the glorious epoch the leadership is with the apostle, while in the declining epoch power and leadership are with the censor. We are fallen somewhat upon these latter times. Italian churchmanship has not exemplified the highest type of missionary zeal.

American Catholics, for the past decade, have witnessed some of the fruits of Italy's churchmanship in the immigration from that fair land that has rolled by hundreds of thousands upon our shores. These Italian immigrants are the children of religious neglect. They actually seem to need re-Christianization. They are not merely untaught in the elementaries of religion—they are absolutely indifferent to the whole subject. Every other class of immigrant appears to want the minister of God; even the red man worships and the colored man builds churches; but the Italian immigrant has forgotten his religion, is immensely relieved that he has forgotten it, and does not wish to be reminded of it. The narrative (in the "Church Extension Magazine" for June, 1908) of a Jesuit missionary at work in an American mining-camp is typical:

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"From afar I could see two flickering lamps shining feebly through the coal-dust. Approaching the men, I said in Italian to the first one, who was a Piedmontese:

"'Well, Joe, will you not give some contribution to finish the church between Berwind and Tobasco?'

"'The church!' he exclaimed. 'I am no Catholic.'

"... It was impossible to move him, and I turned to his companion, but met with no better success. We then proceeded to the next room, where the fourteen men at work were also Piedmontese."

He relates that they pelted him with coal: "Not one of the fourteen men contributed anything for the chapel."

On the other hand, he proceeds: "I must say the truth—the only ones who found no difficulty in contributing for the church were the Japanese; there were about twenty-one of these, and each gave a dollar for the good cause."

The object-lesson has impressed the American Catholic, and even an Archbishop, Mgr. Messmer of Milwaukee, has not hesitated to ascribe this condition to "the neglect of the clergy to give the people proper religious instruction." ("Here I am speaking only of Southern Italy.")

"The people are ignorant of the principles of their religion. They do not understand it; they have gone to church from habit and not from principle, and consequently they have drifted away. This at least seems the only conclusion to be derived from the condition of our Italian immigrants coming from the southern portions of Italy."*

In the later history of the Roman Empire, we see the process by which that great organization of human power was upheld, despite the forces of disintegration which had set in about Rome. Repeatedly (from Trajan to Theodosius the Great) the remedy was found by calling in victorious generals from the far frontiers to take the helm of the endangered state. New energy, better knowledge of conditions, broader policies and a revival of former glories usually ensued. In the Church of to-day, it would do no harm to call in the counsel and aid of the missionary captains out on the frontiers, or even *in partibus infidelium*—those who know the modern world where it is most modern, and those who lead in the spread of religion, somewhat as the apostles led when they went forth "to conquer the world."

HUMPHREY J. DESMOND.

* Interview in "Evening Wisconsin," April 18th, 1908.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE DIMINISHED DOLLAR AND RAILWAY RATES.

BY H. T. NEWCOMB, OF THE BAR OF THE DISTRICT OF COLUMBIA.

AMERICAN industry is confronted by the imminent calamity of inadequate transportation facilities. For twenty years, in spite of a rapidly increasing dependence upon railways as a means of moving domestic and foreign commerce, the construction of railways has failed to keep pace with the growth of productive industry. For two decades investors have recognized the existence of superior opportunities in other fields than that of transportation; and, although capital seeking American investment has been more abundant than ever, the proportion devoted to supplying new and improved railway facilities has been so meagre that already commerce has sharply felt the pressure of inadequate means of transportation. The Interstate Commerce Commission, in their twentieth annual report, at the close of the year 1906, made the following statement:

"The extraordinary prosperity which everywhere abounds, with the high prices obtainable for all classes of commodities, have so stimulated production as to yield a volume of transportation business which far exceeds in the aggregate the carrying capacity of the railroads. In a word, the development of private industry has of late been much more rapid than the increase of railway equipment. . . .

"In some cases it is simply a lack of cars, in others insufficient tracks and motive power, in still others wholly inadequate freight-yards and terminal facilities. . . .

"Broadly speaking, it does not appear that the existing congestion, amounting in many cases to a virtual paralysis of business, results so much from insufficient car capacity . . . as from the lack of adequate tracks and motive power, delays in loading and unloading, and terminals far too small for current requirements. . . .

"A situation of such gravity calls for every remedy that can be usefully applied."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A year later the Commission found the situation less serious, but regarded the partial relief as by no means permanent. The following is from the report submitted on December 23rd, 1907:

"The general question of the provision of adequate transportation facilities unquestionably merits serious consideration by Congress. The whole problem, involving insufficient car and track capacity, congested terminals, slow train movement and other incidents, may be said to be due to the fact that the facilities of the carriers have not kept pace with the commercial growth of the country. . . .

"If business undertakings proportionately increase during future years, the railroads of the country must add to their tracks, cars and other facilities to an extent difficult to estimate. The ability of the carriers to transport traffic measures the profitable production of this vast country, with its ninety millions of people, abundant capital and practically unlimited resources. Manifestly, it is an economic waste for the farm, the mine or the factory to put labor and capital into the production of commodities which cannot be transported to market with reasonable despatch. If the present output cannot in many instances be transported except after ruinous delays, it is not reasonable to presume that capital will readily seek investment in new undertakings. It may conservatively be stated that the inadequacy of transportation facilities is little less than alarming; that its continuation may place an arbitrary limit upon the future productivity of the land, and that the solution of the difficult financial and physical problems involved is worthy the most earnest thought and effort of all who believe in the full development of our country and the largest opportunity for its people."

The startling condition thus graphically portrayed is none the less alarming because a period of business depression, which all believe to be temporary, has, for the time being, removed the pressure which so plainly disclosed the urgent need of better and more extensive means for moving traffic. The reaction certain to occur among a resourceful, progressive and energetic people began promptly; and it is already evident that it cannot be long before the conditions of 1906 and 1907 are repeated, perhaps with augmented intensity. It is to be borne in mind that the shortage of transportation facilities was not, like the panic of 1907, a matter of sudden development. The slackening pace of railway construction long ago began to lag behind the growth of general industry. The following table shows the increase of the United States in population, wealth, foreign commerce and railway mileage from 1867 to 1887, and from 1887 to 1907, and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

discloses the fact that during the first half of the last forty years the American people, though much smaller in numbers and possessed of far less wealth than during the second half, were able and willing to construct 36.45 per cent. more miles of railway:

	Population.	Wealth.	Value of foreign commerce.	Miles of railway.
1867.....	36,211,000	$25,895,847,400	$879,165,307	39,050
1887.....	58,680,000	58,618,563,700	1,408,502,979	149,214
1907.....	85,817,239	121,044,390,774	3,315,272,503	229,951
Increase, 1867 to 1887;				
Amount....	22,469,000	32,722,716,300	529,337,672	110,164
Per cent....	62.05	126.36	60.21	282.11
Increase, 1887 to 1907;				
Amount....	27,137,239	62,425,827,074	1,906,769,524	80,737
Per cent....	46.25	106.49	135.38	54.11

It is not unsuggestive, in connection with the foregoing figures, that during the first two decades interstate railways were unrestricted by Congressional enactments, and that during the second period they were subject to progressively increasing control under Interstate Commerce laws. It is sharply significant that a population numbering, at the beginning of the first period, but 36,211,000 should build 110,164 miles of railway in twenty years, though one of 58,680,000 should build but 80,737 miles in the next period of equal duration. From 1867 to 1887, the people of America built a mile of railway for each 329 of their number in 1867; from 1887 to 1907 they built a mile for each 727 in 1887. Every $10,000,000 of the people's wealth in 1887 included twenty-five miles of railway; by 1907 the ratio had been reduced to nineteen miles to each $10,000,000 of wealth. The number of miles of railway in 1887 to each $10,000,000 of foreign commerce was 1,059; in 1907 it was 694. From 1867 to 1887 the railway mileage of the United States was increased at the rate of 5,508 miles a year; from 1887 to 1907 the annual rate of increase was 4,037 miles, though wealth and industry had more than doubled and population had increased by two-thirds. These comparisons would be meaningless if the supply of railway facilities was ample or nearly ample, but recent reports of the Interstate Commerce Commission have shown that this is not the case.

The real cause it is not difficult to discover. It is a commonplace of economics that demand creates supply; but the kind of demand that is meant is defined as "effective" demand—that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is to say, desire to purchase coupled with willingness and ability to pay a price equal to the cost of the last necessary increment of the supply. The effective demand for railway transportation has been restricted by legislation and its potency limited by agitation, and by an apparent condition of public sentiment which many investors, with proverbial timidity, have construed as threatening its further statutory restriction. The effective demand which could create an adequate supply of railway facilities must be expressed in terms of rates for moving passengers and property; and, consequently, the degree in which demand falls short of satisfactory effectiveness is itself a deficiency in the rates warranted by law and by public sentiment. Permission to charge adequately for services performed is thus seen to be the essential prerequisite of complete ability to perform the services sought by industries that are actually dependent upon railway transportation. The Chairman of the Interstate Commerce Commission, the Hon. Martin A. Knapp, out of the fulness of his long and rich experience in the supervision of railway business and the earnest study of railway problems, has recently expressed this view in terms so convincing in their logic, so plain in their intimations and so fair and reasonable, that his words ought to silence opposition to the action they suggest. He said:

"The question of railroad rates, that is to say, of railroad revenues, involves a great deal more than the direct interest of shippers or shareholders. Broadly speaking, it is a question of national policy second to none in its economic importance.

"Leaving out of account the comparatively small number of actual shippers and security-holders, I suggest three aspects of the question which are of general and intense public concern. The country, as a whole, needs and must have, if it is to grow and prosper as it ought, railway earnings sufficient for three things:

"(1) The payment of liberal wages to an adequate number of competent men . . . in a service which is all the while becoming more exacting, and on which the safety and convenience of the public constantly depend. . . .

"(2) A reliable return to railway capital sufficient to induce the construction without delay of hundreds and thousands of miles of new railroads to further develop the country and meet the transportation demands of the immediate future. . . . Must we not, in the public interest, make railroad construction so attractive and profitable that the necessary capital will be forthcoming? Otherwise, must we not come measurably to a standstill and face a future of comparative stagnation?

"(3) The betterment of existing lines so as to greatly augment their

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

serviceableness to the public, as can in varying degree be done everywhere, without any increase of capitalization that can be fairly avoided."

No one whose interest runs not contrary to the general welfare can profit from railway rates which fail fairly to compensate either labor or capital, or to supply an adequate incentive to further and needed railway construction, or to provide fully for that liberal maintenance of railway property which amounts to its steady and ultimately extensive improvement.

Current railway rates have been rendered seriously inadequate by the insidious operation of a force that, unrecognized at the beginning and not as yet fully understood by many, has already compelled readjustments in the wages of all classes of labor and in the prices of nearly all commodities and services save those supplied by the railways. This force is the steady and extensive decline in the value of gold which has been in uninterrupted progress since the year 1897. The American dollar, still consisting of the same number of grains of the same degree of fineness, has diminished in value since 1897 as actually as though an Act of Congress in that year had reduced its 25.8 grains to 16.8, and in about the same proportion. It will be worth while to devote a little attention to the nature and extent of this change.

When the practice of barter gave place to interchanges effected by means of a circulating medium, civilization took a long step forward. Though the utilization of money, whether in the form of wampum, cattle, tobacco, more or less definite promises to pay, or coined metal, vastly simplified the process of exchange, it so far complicated economic theory as to give rise to a long series of misapprehensions. Hence, in America, greenbackism, free-silver-sixteen-to-oneism and current misunderstanding of the recent movement of railway rates. Men use money to buy commodities; they also use commodities to buy money. Both parties to a transaction of purchase and sale are at once buyers and sellers; if A buys a bushel of wheat from B for a dollar, B at the same time buys a dollar from A for a bushel of wheat. If at some subsequent time A pays B two dollars for a bushel of wheat the price of wheat has gone up; but, B having bought two dollars with one bushel of wheat, the cost of dollars, at least to B, has gone down.

The United States Bureau of Labor, through compilations based upon records of prices originated by Carroll D. Wright and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

continued by his successor, Charles P. Neill, has obtained data which greatly assist in measuring the fluctuations in the value of money. These data, presented in the form of "index numbers," show the average cost of the same quantities of articles of different classes during successive periods. The following table is based upon Bulletin No. 75 (March, 1908):

Class of Articles.	Cost of the same quantities of articles of each class. 1897.	1907.	Per cent. increase.
Farm products	$0.85	$1.37	61.2
Food	.88	1.18	34.1
Cloths and clothing	.91	1.27	39.6
Fuel and lighting	.96	1.35	40.6
Metals and implements	.87	1.43	64.4
Lumber and building materials	.90	1.47	63.3
Drugs and chemicals	.94	1.10	17.0
House-furnishing goods	.90	1.18	31.1
Miscellaneous	.92	1.27	38.0
Average	.90	1.30	44.4

The foregoing shows that, as to the articles represented, one dollar would buy as much in 1897 as $1.44 would buy in 1907. Therefore, as to these articles, a dollar was worth in 1907 only as much as seventy cents was worth in 1897. The data in the table also show that, as to the producers of these articles, $1.44 was as easily procured in 1907 as was one dollar in 1897. If the list included rent, personal services, amusements and transportation, the resulting average would more adequately disclose just what has occurred; but, even without these elements, it greatly illuminates the situation. Concerning wages, another bulletin of the Bureau of Labor (No. 77, July, 1908) shows that between 1897 and 1907 the average wages per hour of the average employee advanced in the proportion of 996 to 1,288 or 29.3 per cent. So the average wage-earner obtained $1.29 as easily in 1907 as he could one dollar in 1897.

Sane men value money only for what it will purchase, and railways are, in this respect, *ex necessitate rei,* sane. The railway dollar of to-day is a greatly diminished dollar, as compared with its predecessors of previous years, when it is used to recompense railway labor or to buy railway materials and supplies; but, unlike the dollar of most producers and of nearly all wage-earners, the difficulty of obtaining it has in no degree diminished. Railways receive less for identical services than ten years ago.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Out of every dollar earned by the railways of the United States, in excess of the sums required to pay interest on their debts and taxes, during the year 1907, the latest year for which data have been published by the Interstate Commerce Commission, forty-nine cents was paid out to railway employees in wages or salaries. The total of these payments, in 1907, was $1,072,386,427; and from July 1st, 1898, to June 30th, 1907, it was $7,316,083,633. The following official figures show how railway wages have advanced and how the dollar used to pay wages has diminished:

	Wages per day.		
	1897.	1907.	Per cent. increase.
Station agents	$1.73	$2.05	18.5
Other stationmen	1.62	1.78	9.9
Enginemen	3.65	4.30	17.8
Firemen	2.05	2.54	23.9
Conductors	3.07	3.69	20.2
Other trainmen	1.90	2.54	33.7
Machinists	2.23	2.87	28.7
Carpenters	2.01	2.40	19.4
Other shopmen	1.71	2.06	20.5
Section foremen	1.70	1.90	11.8
Other trackmen	1.16	1.46	25.9
Switchmen, flagmen and watchmen	1.72	1.87	8.7
Telegraph operators and despatchers	1.90	2.26	18.9
Employees, account floating equipment	1.86	2,27	22.0
All other employees and laborers	1.64	1.92	17.1
Average	2.00	2.39	19.5

It appears from the foregoing that the railways paid, in 1907, substantially $1.20 to the average employee for service which cost only one dollar in 1897; in other words, every railway dollar of 1907 intended for the payment of wages had diminished, as compared with its fellow of 1897, to about eighty-four cents. The real diminution was greater; for the day's service of 1907 was less, on the average, than the day's service of ten years before.

Eighteen cents, out of every dollar of earnings left to the railways in 1907, after paying taxes, interest and wages, was used for the purchase of fuel for locomotives, the sum so expended being $200,261,975. In 1897, the average dollar expended for fuel was sufficient to move traffic producing $17.25 in gross receipts; in 1907 this had been reduced to $12.93. Between 1897 and 1907 bituminous coal advanced, on the average, from $1.80 to $2.80 per ton and anthracite from $3.50 to $4.50; thus the dollar used to buy bituminous coal had diminished to sixty-four cents and that used for anthracite to seventy-eight cents.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Steel rails, which cost $18.75 per ton in 1897, cost $28.00 in 1907; locomotives, which cost $10,181 and $11,026, advanced to $14,111 and $15,734, respectively; all classes of cars became much more costly; lumber, ties and metalwork of all kinds greatly increased in price—in fact, wherever there was a purchase to be made, it was found that the money to make it with was composed of diminished dollars. In this respect, the experience of the railways was in no wise different from any other employer of labor or purchaser of commodities. The especial hardship to the railways, which they share with a few salaried employees and those whose incomes are based upon contracts made before the depreciation of the dollar began or was anticipated, grows out of the fact that the price of that which they have to sell—viz., transportation—has not been adjusted to the changed value of the money in which they are paid. Railway rates, even as measured by diminished dollars, are lower now than they were ten years ago; when the depreciation in the value of these dollars is considered, it appears that the real reduction in railway rates that has taken place in the last decade has exceeded all safe and reasonable or proper bounds.

The figures in the second and third columns below show average rates as reported by the Interstate Commerce Commission; those in the last two columns are based upon the assumption that the present value of a dollar in the hands of a railway is equal to eighty cents in 1897—probably an excessive estimate:

	Average rates in mills.			Decrease in real rates from 1897 to 1907.
		1907.		
	1897.	Nominal.	Real.*	Per cent.
Per passenger per mile.....	20.22	20.14	16.11	20.3
Per ton of freight per mile..	7.98	7.59	6.07	24.0

Thus, on the very moderate estimate of a twenty-per-cent. diminution in the value of the money with which passenger-tickets are bought and freight bills paid, it appears that there has been, in ten years, an average reduction of one-fifth in railway passenger-rates, and of nearly one-quarter in railway freight-rates. The enormous extent of these reductions is apparent when it is considered that in one year the transportation performed by the railways of the United States was equal to moving 27,718,554,030 passengers and 236,601,390,103 tons of freight one mile.

* Calculated on the basis of money of equal value to that received in 1897.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

One mill per passenger and per ton of freight per mile carried, for these aggregates, would amount to $264,319,944, a sum roughly equal to one-half of the annual payment to the owners of all railway bonds and shares now owned by all classes of investors.

Few realize how very small are the sums received by railways when proportioned to the services they perform. To move a mass weighing two thousand pounds a distance of a mile involves a stupendous struggle in overcoming natural forces; yet (excluding weight of equipment) this task is performed some two hundred and forty billion times in the course of a year by American railways. And some railways are so situated, with regard to the sources of traffic and the kinds of freight which they can obtain, that they are regularly forced to depend upon receiving scarcely more than an average rate of half a cent per ton of freight per mile for their services; a few obtain even less.

The cost of moving a bushel of wheat one thousand miles at the average rate applied to this commodity when shipped in carload quantities over nine of the largest railways in different sections of the United States, 5.62 mills per ton per mile, would be 16.86 cents; while, at the average rate of the same companies, a bale of cotton, weighing five hundred pounds, would move an equal distance for $3.14. The average bushel of wheat was worth 87.4 cents on the farm of the producer in 1907, and the average bale of cotton was worth $52.00; so that the former could be moved one thousand miles for 19.3 per cent of its farm value and the latter for 6.0 per cent. Many railways would receive much less for moving either commodity this distance. The corresponding prices of 1897 for wheat and cotton were 80.8 cents and $33.00, respectively; so that, at the same rates as those in force in 1907, it required 20.9 per cent. of its value to move wheat and 9.5 per cent. of its value to move cotton one thousand miles. At the average for grain, a bushel of corn would move one thousand miles for 16.216 cents, and the farm value of corn was 26.3 cents per bushel in 1897 and 51.6 cents in 1907. These, however, are all articles of low value in proportion to their bulk and weight; and, in spite of the low rates, it is inevitable that they should pay a relatively larger proportion of their value for transportation than articles of other classes. An exceedingly valuable table prepared by Mr. C. C. McCain, Chairman of the Trunk Line Association, and one of the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

foremost American authorities on rates and rate-making, shows that but a small proportion of the value of articles of common consumption is really absorbed by the cost of railway transportation. According to this table, an advance of ten cents per one hundred pounds in the rate on men's boots and shoes would amount to but one-third of one cent per pair; while an advance of eight cents per hundred pounds in the rate on cotton goods would amount to only one cent on each one hundred yards. The present rate on men's shoes is but two and one-half cents per pair, while that on cotton goods is less than three-quarters of one mill per yard. The rate on clothing is 5.6 cents per suit; and, if it were doubled, which no one suggests, the additional cost of a suit of clothes, if every cent of the increased rate were paid by the wearer, would amount to less than six cents.

The present situation is untenable. As has been shown, fair and adequate railway rates are essential, not merely to the prosperity of the railways, but to that of the whole country and all its industries; there has been an unsolicited and unnecessary reduction from the reasonable rates of 1897, a reduction due to causes so subtle in their operation that the process and its consequences passed for a time unnoticed; the moderate advance sufficient to offset, in part at least, the evil results of this decline would not be noticed by most consumers and would but slightly affect any. This course would so distribute the cost of the readjustment that has been made absolutely necessary by the great change in the value of money as to lay no severe burden upon any individual or any industry. The alternative is too painful for other than enforced consideration. An increase of three or four per cent. in average rates would distribute a gain of about $50,000,000 over two hundred and thirty billion ton-miles of freight transportation; to gain the same amount by a reduction in wages would throw the whole burden upon about one and one-half millions of employees and their families. Doubtless the effort to impose this burden upon a restricted class would be resisted, and before resorting to it every possible effort to adjust the loss in some other way would be made. One direction toward which such an effort might tend would parallel what actually happened when railways were under similar pressure due to the industrial depression of 1893. Professor Henry C. Adams, Statistician to the Interstate Commerce Commission, then reported a reduction

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the number of railway employees from 873,602 to 779,608, and one in operating expenses from $827,921,299 to $731,414,-322. He discusses them in part as follows:

"The reduction has been universal in all classes of employees, but greatest in the case of employees engaged in maintaining the character of the roadway, and least in employees engaged in conducting transportation.

". . . The economy practised by the railways must result in deterioration of roadway. . . . The number of section foremen in 1894 is about the same as in 1893, but the number of trackmen in 1894 is 150,711 as against 180,154 in 1893. The reduction in the number of laborers and employees not otherwise specified was 19,890. What the effect of this is likely to be upon the character of track and consequent safety of travel need not be suggested. . . .

". . . The amount expended . . . for the maintenance of way and structures was $143,669,386, a decrease, as compared with 1893, of $25,-588,990, which is equivalent to a percentage decrease of 15.12 per cent. The expenditure for maintenance of equipment was $112,894,526, which shows, as compared with the previous year, a decrease of $23,981,383, a decrease of 17.52 per cent. The amount expended for conducting transportation during the year was $394,513,035, a decrease of $40,952,540 as compared with the previous year, a decrease equal to 9.40 per cent. The amount charged to the account of general expenses was $79,771,497, which shows a decrease of $5,777,340, a decrease of 6.76 per cent. . . .

"This indicates in another manner that relatively greater saving was obtained in maintenance of structures and equipment than in conducting transportation or in the general management of the business."—"Statistics of Railways in the United States," 1894, pp. 35, 36, 65, 66.

The foregoing is only another way of saying that sudden and compulsory economy in this field is substantially certain to be at the expense of the property—that is, through the destruction of capital. This would be bad enough, through its plain implication as to the ultimate quality of the service should the process be long continued, even were present railway facilities adequate to the needs of this great industrial nation. But it has already been made clear that they are not adequate. At a moderate estimate, a sum equal to at least two-thirds of the total cash cost of the railways of the United States must be expended on their improvement and extension within the next twenty years, if they are to meet the requirements of progressive American industry. Already capital has ceased to flow readily into railway investments; deterred somewhat by an apparently adverse sentiment on the part of a portion of the public that is, perhaps, not quite

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

so influential as is often too hastily assumed, and diverted by the newly acquired attractiveness to the general investor of other industrial fields not formerly so freely bidding for his support. Capital borrowed by American railways in 1897 cost on the average 3.90 per cent. *per annum,* while that borrowed in 1907 cost 4.62 per cent., and that obtained during the first seven months of 1908 cost 5.04 per cent. The rise from 1897 to 1907 was 18.5 per cent., and here too the diminished dollar was worth only as much as eighty-four cents in the earlier year. In 1907 and the first seven months of 1908, the railways of this country borrowed no less than $144,829,970 at six per cent. *per annum* or higher, though during the previous ten years, 1897 to 1906, they had paid that rate on but $32,679,354 out of loans aggregating $4,491,706,968. In 1907 and to the end of July, 1908, they obtained but $423,000 at less than four per cent., although in the years 1897 to 1906, inclusive, they had borrowed $1,088,717,180 at from three to three and three-fourths per cent. *per annum.* As the railways have no funds out of which to pay interest, except those earned by the services they perform, it is inevitable that the cost of the conditions which produce these higher interest-rates must ultimately be borne by the travelling and shipping public. Unless it is desired that the conditions of 1907 and 1908 should continue or be repeated, perhaps in more acute form, it is essential that there should be undisputed opportunity to obtain fairly remunerative rates, and that the propriety of the changes necessary to restore a reasonable level of rates should be frankly accepted. Otherwise those upon whom the evolution of methods of industrial association has imposed the tremendous task of paying a just and liberal scale of wages to the highly intelligent and capable railway employees who perform such serious and responsible functions in the public service, and, at the same time, of maintaining the great properties in their charge in safe, efficient and satisfactory condition, and, within ten or twenty years, of obtaining from seven to eight billions of dollars for the improvement and extension of those properties, will fail in their endeavor. And if they fail the calamity of their failure will fall not upon them alone, but upon every worker in America.

H. T. NEWCOMB.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CHILDREN AND TEXTILES.

A RECORD OF EXPERIENCE.

BY FLORENCE L. SANVILLE, EXECUTIVE SECRETARY OF THE CONSUMERS' LEAGUE OF PHILADELPHIA.

OVER a year has passed since a well-known writer, dying, left her written message on what she considered a matter of burning importance in public economy to-day—the welfare of wage-earning children, expressed as the "child-labor problem," as it exists in the South. It is greatly to be regretted that Miss Magruder should have left as her final word, an almost unqualified defence of the labor of young children in factories.

With an associate, I have given some weeks to work as a "mill-hand" in various factories, confining my efforts to one of the great textile industries. My object in doing this has been to question at closer range certain convictions that have been growing during five years of study and work in social and industrial matters. By this method I hoped to become more naturally and closely acquainted with the girls and children whose daily work took them into the mills, than would have been possible without the removal of the artificial barriers that have been raised between hand-workers and head-workers.

Pennsylvania happens to be the State to which my study has been largely confined. The variety of her great industries, and the existence of a long-settled native population together with a tremendous proportion of foreign workers, give to Pennsylvania some characteristics common to almost any other industrial State one may choose. The industries which best characterize her, however, are perhaps her mining, soft and hard; her textiles —knit, silk and woollen goods, as well as carpets and rugs; and her glass manufactures—all of them child-employing industries.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The regulation of the employment of children in industry is comprised in two sets of laws, and is under the jurisdiction of two separate departments—the Departments of Mine Inspection and of Factory Inspection. The mining law forbids the employment of boys under twelve years in bituminous mines; under fourteen years about anthracite mines; and under sixteen in anthracite mines. No female is allowed to work in or about any mine.

The factory law prohibits the employment of children under fourteen in any industrial establishment; limits the hours of work for children under sixteen to twelve in a day, and sixty in a week; and forbids work after nine at night to all such children, except boys employed in certain exempted industries. So far as the apparent aim of the law is concerned, Pennsylvania seems thus to have established a fourteen-year-old limit for her wage-earning children—except for the curiously neglected boys in the soft-coal mines. This entire aim, however, is completely thwarted by the neglect of the State to require some evidence of a child's age at the time of his application for a working certificate. As a consequence, it is doubtful if Pennsylvania is restraining her children under fourteen from work to a much greater extent than the Southern States, which, Tennessee excepted, all legally allow work at an earlier age than does the Keystone State.

As this article goes to press, there is being considered by the Legislature of Pennsylvania a measure for the regulation of Child Labor, which, if enacted, will radically change conditions in the State. The most important points in this measure include an adequate system of issuing work certificates for children upon proper evidence of age, which will insure their being actually fourteen years old; the raising of the age limit in bituminous mines from twelve to fourteen years; the establishment of a ten-hour day and fifty-eight-hour week for women and children; the prohibition of night-work after nine o'clock for children under sixteen, and after ten o'clock for girls under eighteen.

It is curious that the form of unbelief most characteristic of a sceptic on this subject is his doubt of what is the most obvious fact of all—*viz.*, that there *are* actually in Pennsylvania, as in the Southern States, a vast number of children under the age of fourteen at work in factories and mills and workshops. That doubt should be the one (in the entire matter) most easily removed; if the doubter distrusts the statements of those who have

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

seen, and know, nothing would be easier than for him to post himself outside the door of a sufficient number of mills at the closing hour, and to take note of what he sees. My associate and I have seen in certain factories in Pennsylvania dozens of children who by no stretch of the imagination could be considered fourteen—and sometimes not even twelve—years old. The older girls working by our side have said, in talking of the children, "Oh, they say they're *fourteen,* but of course they're not!"

The children themselves often have said the same thing of their young companions; or, by some slip, they have shown conclusively that they themselves were below the legal working-age, either at that time or at the time when they began to work. In Olyphant, a little town in the anthracite coal region, with a *total* school enrollment of 1,147, the Superintendent of Schools recently took out of the silk-mills and coal-breakers seventy-eight children in a single month who were erroneously supposed to be fourteen years of age, and at work accordingly. Evidences of this fact might be detailed indefinitely.

I am convinced that what is fundamentally true of the effect of mill environment and mill work on children in Pennsylvania, is equally true of the children of the South. The interior arrangement of the mills; the occupation of the children, carrying bobbins, whether for silk or cotton; the general atmosphere, physical and moral, of the average factory, whether North or South, must have essentially the same effect on all children subjected to the influence of these conditions. A difference in hours of work would be of considerable importance; but Pennsylvania does not vary to a great extent from the Southern States in this matter. The Northern State has gone farther in her prohibition of night-work than most of the Southern communities have done; and in her limitation of the number of hours allowed weekly she is more strict than many of these States.

Can we not, therefore, assume that the average Southern mill offers no greater "privileges and advantages" to its child-workers, such as are ascribed to it by Miss Magruder, than the average mill of the North? As I ask this question, I am faced by the basic argument of Miss Magruder's paper—upon which she affirms that the whole question hangs—the "alternative." I quote in full her opinion on the subject. She says:

"If the children employed in these mills would, otherwise, be living

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in decent homes, going to school, eating wholesome and sufficient food, getting some sort of moral, mental and manual training, then, without question, mill-work for children deserves to be decried as a flagrant social evil. As it is, the alternative presented to these particular children is to live in dilapidated houses, wear wretched clothing and eat food which is inadequate in quantity and abominable in quality, and to have the constant association of other children in whom poverty and idleness have fostered vice, exactly as they would do in themselves. . . . Sad as it is that, at the age intended by nature for the mental and physical development of the young, children should be forced into work and surroundings unfavorable to these, it is a sadder sight to see children growing up in the state of mental and physical starvation which is too often the lot of the poor whites in the South."

Whether in Alabama or Pennsylvania, God forbid that we should deliberately agree to the existence of one evil, as the accepted alternative for another! Whither would such a policy, generally followed, lead us? And what interest should we be more loath to submit to so pernicious a treatment than the welfare of our children? We do not calmly advise a community to choose between probable typhoid from contaminated water, and possible death, through abstaining from the use of water; but we discuss cleaning up the supply. Are we to believe that the Southern whites—an agricultural people of native American stock—are so lost that the sole remedy is the immolation of their illiterate children to the grinding monotony of mill work?

Miss Magruder lightened the gloomy picture somewhat by ascribing definite educational advantages to mill work. It seems to me a very doubtful question whether mill life does teach children "to be clean in their dress, decent in their language, orderly and punctual in their habits, and how to use their mental and physical faculties," as she suggests. I should like to discuss, in order, these possible benefits.

There are numerous factories which present an uplifting example of well-ordered tidiness that many of the children have been wholly unaccustomed to in their own homes; and, where a painstaking management provides such surroundings, certain benefits must, no doubt, accrue to the workers, big and little; the rougher and more uncouth girls and boys are unconsciously influenced by the unaccustomed cleanliness of their environment. But such are very rare exceptions. In the very great majority of mills the children are not clean in their dress. Many of them

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wear clothing more torn, stained and dirty than much that I have seen in the poorest city street.

One universal trait of cleanliness I have noticed, however, among all the mill children in whose company I have worked. With the first blow of the noon whistle, there is a rush for the sink and a scrubbing of grimy hands before dinner—which may, of course, be due equally to a desire for cleanliness, and to the normal childish desire to splash about with other children.

Decency in language I could never find fostered in any way by mill influence. As a rule, talking while at work is frowned upon, so that conversation of any sort is a surreptitious undertaking which abruptly ceases at first glimpse of the foreman, and is therefore quite uncontrolled by him. But when the dash for the air takes place at the sound of the whistle, the language is loud and coarse in the extreme. I shall not soon forget the sounds which emerged from a group of children—some clearly not more than twelve, if so much—at the close of a day's work in a miserably appointed factory. My unaccustomed ear did not detect the sound of the whistle above the noise of the machinery; but the rush for the door told me that the day's work was over—and by the time I had reached the outer air the group of children had already gathered, and the pent-up energy of an eleven-hour day (with one-half hour's intermission at noon) found vent in a flood of rough talk and profanity such as I hope never again to hear issue from young lips.

Just as doubtful is the value of mill training in developing "order and punctuality in habits, and the use of mental and physical faculties." Even in the better class of factories, it is a question whether these qualities are really developed. Miss Jane Addams says, "We naturally associate a factory with orderly, productive action; but similarity of action without identical thought and co-operative intelligence is coercion, not order."* In many factories, as the last echo of the morning whistle dies, the main doors are barred, and the child who is late is either docked his wages, roundly scolded for tardiness or excluded altogether for the day—as the case may be. The windows of a large number—perhaps the majority—of mills, are painted over their lower half; and when I have asked a fellow-worker why, the answer has been

* "Newer Ideals of Peace," p. 173.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

invariably, "So's we don't waste time lookin' out." In summer, only the upper half of these windows is opened. Obedience to the sadly prevalent rule against sitting down is generally insured by the absence of seats. But, when the foreman is safely beyond vision, a stolen rest is secured for a moment, on the floor, on a heap of empty spools, on the projecting edge of a frame—anything that may serve the need of overtaxed nature.

Is this method of securing conformity to rules anything else than force? Is it comparable with the educative discipline and co-operation of a school?

If, then, I am compelled to doubt whether mill work offers any distinct educational advantages to children, have I any reason to believe that positive harm is wrought by it? Here again I draw my conclusions almost entirely from my own observations and experiences. By "children," in this discussion, I mean all workers under sixteen; and that which applies to children over fourteen is, obviously, of still greater weight for the unacknowledged multitudes under that age, now working in our industries.

The physical effect of work upon a growing boy or girl depends, of course, upon the nature of the work, and the conditions under which it is performed. I do not wish to overlook establishments which make every provision for the welfare of their employees, young and old. But, even in such surroundings, I am deeply convinced that work which might be without detriment for a short working-day is distinctly harmful when carried to the legal limit of sixty hours a week. And, in mills of lower grade, incalculable harm is done both by the conditions provided and by the work required.

As an adequate description of the widely varying sanitary conditions in the mills where I have worked would require far too much space, I shall speak only in the most general terms. Usually there is a relatively large floor-space for the number of employees, and this should insure a plentiful supply of wholesome air. But very frequently the windows are kept closed—a custom often required by the nature of the material—and no other means of ventilation is substituted. When to the resultant heaviness of the air is added the nauseating odors arising from many kinds of raw textile material, and, above all, the foul atmosphere from the unspeakable "sanitation" of some mills, the effect must be harmful in the extreme. A certain mill in which I worked has the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bulk of its spinning done in the cellar. In summer, when I saw it, the cement floor was dry, and the cool dampness of the place was doubtless grateful to the workers. But I had a mental vision of that uncovered, cold floor and low brick ceiling in winter. I was not surprised to be told by one of the girls that "Lots of the girls has consumption here; sometimes they're awful sick."

The type of work required from the children—especially the girls—is sometimes far beyond their strength. One very common variety of such work in silk-mills is that imposed upon the little "lacers," who tie with pieces of interwoven tape the skeins of silk which have come from the reels. In better-regulated factories, the reels—movable structures of wood and iron, about six feet long, and weighing anywhere from fifteen to forty-five pounds—are carried to and from the frames on which they turn by grown youths employed for the purpose. But I have seen not only the older girls who work on the reels, but the little girls who do the lacing, struggling under the weight of these awkward burdens as a regular part of their daily task. Of course, these were machines of the lighter type; one of the heavier variety I tried in vain even to lift, in another factory where men were employed to do this work. The logical outcome of such work was made very clear to me by a girl who had been employed in one factory for eleven years. In talking over work together, she said to me: "I used to be on the reels. But I was hurt inside by having to carry the reels, and had to stop work. So, when I come back, the doctor wouldn't let me do it no more."

For the average child, the beginning of a wage-earning career in a factory marks the end of the stage of mental acquisitiveness. The child under fourteen has not, by any chance, reached the point at which the period of active receptivity, or of the desire for original expression, can safely be brought to a stop. Whatever other benefits might be ascribed to mill work, opportunity for this variety of mental growth could not be justly included by its most ardent advocate. England attempts a compromise, by requiring for her children under fourteen a given number of hours of schooling for every corresponding number of hours of work. But it is open to grave doubt whether a child of twelve can profit by a period of instruction after five hours of the clattering confinement of a mill.

Fourteen years seem to have been generally accepted here as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the age at which a child may legitimately take up the burden of breadwinning. I do not know whether this division is a more or less arbitrary one, or is fixed upon some psychological basis. But I think that the average child who has attended school regularly up to the age of fourteen, has at his command a certain mental equipment which some kinds of work may well increase and develop. For the factory child, however, this is scarcely ever true; what further development is coming to him must come through a well-directed surplus of energy outside of work hours. Too long hours, or too exhausting work, preclude such a surplus. The girls in an industrial school in a small mining town showed, according to the testimony of their teacher, an utter incapacity for self-help, initiative or order. All had been working—some of them since early childhood—sixty hours a week.

Even the more advanced varieties of work performed by children in a textile mill require no thought, little but purely mechanical skill, and are of a deadening monotony. A child will continue to "tie up ends" while her eyes are apparently roving about the room, or she is engaged in surreptitious conversation with her nearest neighbor. Concentrated thought is no more developed there than are the faculties of true order and self-control.

The physical and mental welfare of mill children is thus affected, I think, by influences which are inherent in the system and the work, irrespective, largely, of the individual establishment. The action of mill life upon the moral nature of the child is, of course, still more dependent upon the factory in which he is employed. It is quite reasonable to suppose that the child of a sordid, ill-kept home may catch his first glimpse of decency and cleanliness or receive his first contact with a higher type of companion, within the carefully supervised precincts of a well-conducted mill. On the other hand, the dangers of moral contamination to which young mill workers are sometimes exposed, are serious in the extreme. I shall not soon forget a noon-hour in the gloomy and ill-kept spinning-room of a Philadelphia textile mill, a "playtime," that was utilized by the young boys and girls —the merest children, who were not allowed out-of-doors—for the coarsest and most promiscuous actions and talk—all utterly without supervision. In this respect this mill was no exception.

Regular night-work for girls of sixteen, which is legal in Pennsylvania, is occasionally, but no longer commonly, found in

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the silk industry. A few years ago, girls were much more generally employed on the night shift. But so shocking was the testimony given by some of these young girls, during the proceedings of the Anthracite Coal Commission, in 1905, that through force of public opinion the custom has been generally abandoned.

A recent example of the possible dangers involved for children in a mill environment was given me by the Superintendent of the Organized Charities of a large town in Pennsylvania. Three little girls who had worked in the silk-mill of a neighboring small mining community had been led astray by a grown companion in the mill, and enticed into an evil resort in close proximity to it. The ages of the children ranged from fifteen years down, and all three now are in the House of Refuge—an institution in which an undue proportion of girls from the textile industry are, for some reason, enrolled. The citation of this occurrence as an example of evil wrought might be considered unfair on the ground that the tragedy might have happened to these children had they been at school. But the atmosphere of the schoolroom, the supervision of the teacher, and the companionship of children of like age, would all have militated against the ruin of these children, just as powerfully as the influences of the mill—added to the proximity of the evil resort—worked toward the catastrophe.

In this instance, as in most others, where the moral, physical or mental welfare of a child has been sacrificed to the heedless aggrandizement of an industry, the community is obliged to pay the price. Miss Addams tells of her conversation with a tramp, who had begun work in a New England textile mill sixteen years ago, at an earlier age than the law there now allows. She says:

> "He told his tale with all simplicity; and, as he made a motion with his hand, he said, 'I done that for sixteen years.' I give the words as he gave them. 'At last I was sick in bed for two or three weeks with a fever, and when I crawled out, I made up my mind that I would rather go to hell than to go back to that mill.' . . . The physician has made a diagnosis of general debility. The man is not fit for steady work. He has been whipped in the battle of life, and is spent prematurely because he began prematurely."*

And on another page,† she points very conclusively to the futility of lavishing so great care and expense upon a public-school system, if it is to be followed by lack of interest and responsibility

* "Newer Ideals of Peace," p. 158. † *Ib.*, pp. 166-7.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the child's welfare the instant he leaves the schoolroom. Is it wise to allow a couple of unregulated, exploited years, at a most critical period of a child's development, to undermine the work which a community has, with so great pains, done for him during the preceding eight years? Whether the penalty takes the form of a commitment to a House of Refuge, a bed in a free sanatorium for tuberculosis, or an arrest for vagrancy, ill-regulated child-labor is ultimately a direct burden upon the shoulders of the public. And for whose profit? From this point of view, can there be anywhere sufficient gain to justify the risk?

The ever-recurrent argument of parental poverty as a reason for child-labor is one which would require a full paper for adequate discussion, rather than a closing paragraph. I am therefore inclined to dispose of the whole matter by throwing out this one suggestion: No one comes into closer or more personal contact with the pitiable thrusts and attendant evils of poverty than do the men and women who are engaged in relief work or are living in social settlements. Yet none of these men or women has ever suggested that the miseries of poverty which beset them on all sides should be allayed by what appears to so many the most obvious means—the earnings of the young children of the family. On the contrary, one finds among them the names of the very persons who have been among the pioneers or the warmest advocates of the child-labor reform movement—Miss Wald and Mrs. Florence Kelley, of the Nurses' Settlement in New York; Mr. Woods, of South End House, Boston; Miss Richmond, of the Society for Organizing Charity, Philadelphia; Miss Addams, of Hull House, Chicago. If child-labor were wise; if it were an admissible, as it is an obvious, method of helping to solve some of the most difficult practical problems which confront them, is it reasonable to suppose that these leaders in social work would with one accord repudiate it? The actual extent of true poverty as an immediate cause of child-labor, moreover, has been proved by investigation, in one community after another, to have been greatly exaggerated.* And in the great number of cases where this plea of poverty has proved to be merely parental ignorance or negligence, or worse, the continued dependence of a father upon the efforts of his young children tends to foster in him habits of laziness and degeneracy.

* See "The Annals of the American Academy of Social and Political Science," January, 1907, pp. 1-9.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In cases of true need, brought about by the death or disability of the breadwinner, temporary relief to the mother is now given in many communities, until her child has reached the proper age for wage-earning.

If, then, there is much that is harmful, and little of profit to child, parent or community in the early or ill-regulated labor of children, are we to believe that it is necessary for the health and maintenance of industry? Conversation with employers and foremen, my own observations and the already recorded effects of more rigid child-labor regulations upon industries to which they have especially applied—all lead me to believe that young children are accepted in a factory as the nearest-at-hand, most readily obtained, as well as the cheapest, variety of labor; but that much time and material are wasted, and the ultimate value of the output lowered, by these undeveloped laborers.

I remember a little girl of perhaps twelve years old, who, with another much older girl, worked in a "corridor" adjacent to mine. I watched the child all morning, but could not discover that she did anything but follow listlessly after her companion —brightening only when the disappearance of the "forelady" offered a safe chance for conversation. I finally asked my "learner" (vernacular for "teacher," always) what she was doing—and she said, with a contemptuous shrug: "Oh—her! She's been here three weeks nearly, and can't even tie the knot. She ain't tryin' to, either—I don't know what they're keeping her on for. I'd slap her good, and turn her out—I would!"

And when they do learn? Not very long ago there was a strike among the weavers of a large textile mill in Philadelphia. Frequent meetings with the girls revealed to me that the strike was caused directly by a change of policy which should make the weavers responsible for certain defects in the finished product, defects which were the result of imperfect preparation of the yarn for the loom, but which the weavers were supposed to discover. "If," exclaimed one of the girls, indignantly—and of this I took special heed—"we were given anyway decent material, there wouldn't be any trouble. But they've got such little kids down there [indicating the spinning-rooms] to do the work for almost nothing, that it comes to us full of mistakes. And now they want us to pay for that!" Economy, no less than justice, is thwarted by such a system as this!

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I recall the complaints of several foremen, on the impossibility of obtaining good results from the younger hands. Especially I remember one night foreman—a fine fellow, he seemed, too—who bewailed the custom of employing children on the night shift. "It's so hard to keep them awake," he complained—adding as a sympathetic afterthought: "It's hard on the poor kids, too. The nights do seem awful long to them."

Agents and superintendents are quoted as saying that they would prefer employing older workers, but that they cannot obtain them. This is not surprising; without going into the economic effects of child-labor, it is obvious that the rate of wages established by the employment of children is an insuperable obstacle to the acceptance of their positions by adults. Moreover, it is undeniably true that some industries deliberately beckon to children. An accepted authority, whose name I am not at liberty to give, told me recently that the unquestionable reason for the establishment of the silk-throwing industry in the anthracite coal-fields of Pennsylvania was not, as I had imagined, the existence of a cheap and plentiful supply of fuel, but, rather, the great supply of cheap and unrestricted labor, represented by the little girls of the families of the mining population.

The practical results of careful child-labor regulation upon a child-employing industry are shown in the manufacture of glass. The census figures record that, from 1900 to 1905, Illinois, Ohio and New York, with comparatively stringent child-labor laws, reported a far greater increase in capital invested, the number of wage-earners, and the value of the product, than did either New Jersey or Pennsylvania, with their much looser regulations for working children.

The ultimate good of an industry can never be served by those who are wearied to loathing of their task, or are too unintelligent to grasp its significance. Intelligent interest in a worker must take the place of listlessness or dislike, if the results of his toil are to show anything of beauty and charm. To expect such interest from untrained minds and tired young bodies is too much. And the removal of this enforced, unnatural toil would thus work toward the true betterment of an industry, even while it is bringing about that still greater and more vital result—the enrichment of the life-blood of our nation.

FLORENCE L. SANVILLE.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

OUR INTEREST IN A UNITED AMERICA.

BY L. S. ROWE, PH.D., LL.D., PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF PENNSYLVANIA.

SOME months after the close of the last Pan-American Conference, I received from a friend in Europe a collection of articles from French, Italian, Spanish and German reviews, commenting on the results of the Conference and emphasizing the bearing of these conferences on the political and commercial interests of Continental Europe. The significant feature of these comments was the note of warning which they sounded, pointing out to Europe that these conferences mark the successive steps in the development of unity of thought and action of the American Republics, and that the far-seeing policy inaugurated by Mr. Blaine would result in an united America—a final and insurmountable obstacle to the extension of European influence in the Western Hemisphere.

In addition, however, to this feeling of alarm, there ran through all these comments a note of surprise and wondering inquiry as to the causes of the growing spirit of fraternal cooperation between the United States and the Latin-American republics. Are not the language, traditions, antecedents, intellectual nourishment and commercial contact of the Latin-American republics distinctively European? was a constantly recurring question. Have the people of the United States made any real effort to understand the point of view of the Latin-American peoples, and have they shown any effective desire to be brought into closer touch with them? Why, therefore, should the Latin-American republics concern themselves with the United States? How shall we explain the growth of that spirit of fraternal cooperation which is gathering strength with each year? These questions were raised, but no attempt at solution was offered. A

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

few of the writers went so far as to assume that the movement was temporary, artificial and devoid of solid basis.

The answer lies deeper than in national or racial antecedents—namely, in the similarity of physical environment and in the social conditions of North and South America. There is the primary and fundamental fact of a new land and a young people breaking from the traditions of the mother country, and emancipating itself from inherited ideas and traditional modes of thought. The history of the republics of this continent is largely a record of the struggle between inherited traditions and the new ideals of life that develop in a new continent. The political ideas brought from Spain and Portugal have been out of harmony with the conditions of life in a new country, and have been the chief cause of the unrest that characterized the early history of the Latin-American republics. It is well for us not to forget that in this country, we passed through many struggles before the process of adaptation was even fairly under way; and it should not be a matter for surprise that our sister republics should pass through a like process of growth. The analogies between the political development of the United States and that of the republics of South America are more numerous than would appear at first glance. Starting with totally different social antecedents, they are developing political institutions strikingly similar.

This slow, persistent and all-pervading influence of physical environment and of the social conditions of a newly settled country, combined with the spirit of freedom transmitted by the founders of our American democracies, has gradually reduced the chasm between the political institutions of North and South America, until to-day we find the most striking similarity between our constitutional system and that of our sister republics. The influence which the Constitution of the United States has had in fostering the growth of republican institutions in other quarters of the globe should be a source of profound satisfaction to every citizen, as well as an inspiration to hold high and unassailable the principles for which that Constitution stands.

It seems almost incredible that we should have remained so long unconscious of the influence we have been, and are still, exerting in South America; but it is simply an indication of a fact that is becoming more apparent with each day—namely,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that our political influence has outrun our intellectual grasp. We have become a great and powerful nation by reason of extraordinary natural resources; but our mental vision has not kept pace with our international influence. We still regard ourselves as the politically isolated nation of 1823, but vaguely conscious of the important part that we are playing in the world's affairs. During the last ten years, it is true, the American people have been passing through a great educative process; but in thought and feeling the country still lags far behind its commercial and political power.

No better illustration of this fact could be found than in our attitude toward the republics of Latin America. To the average American, the southern section of the continent is still an unknown land. Much of our knowledge is drawn from fiction rather than from fact. The future of these countries is a matter of the vaguest speculation, permitting every prophet to give his fancy unbridled rein. We begin to understand how far astray lesser lights have gone when we hear one of the keenest of British observers say:*

> "The future of South America is admittedly a subject for speculation as obscure as it is fascinating. It may be, and probably will be, bloody, tangled and convulsive."

During the last century, which we devoted to the working out of our fundamental domestic problems, this ignorance of our neighbors did not involve any serious consequences. In fact, it was rather fortunate both for them and for us that our attitude was purely negative, that it was restricted to a warning to Europe that she must permit the republics of this continent to work out their destinies unhampered. With the opening years of the twentieth century, however, the far-reaching influence of the change in our political position as a nation becomes apparent. Having advanced to the dignity of a World Power, we must accept its responsibilities. The national indifference to everything outside the borders of the United States, which was an element of strength during the nineteenth century, becomes a source of weakness in the twentieth. Citizenship of the United States involves an obligation to our own country and to the larger influence which we are wielding in the world's affairs.

* Sydney Brooks: "National Review," March, 1908.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It is, therefore, not merely desirable that we should face the South American situation with a full knowledge of the facts; it becomes a real national obligation to do so. Furthermore, it is important that we should realize that this clearer perception of the significance of South American growth concerns us quite as deeply as any of the Latin-American republics. We have so long been accustomed to look upon them with a kind of patronizing sympathy that it is difficult for us now to realize that we have to deal with nations whose support will mean much to us in securing the general recognition of those principles of national freedom and international justice for which our country has so long struggled. Throughout the southern continent we are in the presence of vigorous nations-in-the-making. They are one and all real national entities, as tenacious of their national purpose as the United States. In total disregard of the theories of European writers that they are incapable of self-government, they are slowly, but with firmness and wisdom, working out their political salvation, and they stand to-day as real Powers with which the other nations of the earth must reckon.

The progress of South America is probably best exemplified in the remarkable advance of her cities. The capital of Brazil, a city of a million inhabitants, is undergoing a transformation which may well serve as a lesson to many of the cities of the United States. Forty millions of dollars are being expended on harbor works which will make Rio Janeiro one of the greatest ports of the American continent. Avenues are being laid out on a scale which rival the reconstruction of Paris during the Second Empire. A water-supply and system of drainage are being completed that will equal anything of which North American cities can boast.

In the arrangement of streets and avenues, Buenos Ayres occupies one of the first places amongst the cities of the American continent. Her great docks and warehouses may well be the envy of New York or Philadelphia. Her main avenue rivals any of the boulevards of Paris. For the purpose of duly celebrating, in 1910, the centenary of Argentine independence, new avenues are being planned on a scale of magnificence heretofore unknown to municipal engineering. The pride of the people in their city, the civic devotion to its welfare, the keen interest in every question affecting the improvement of city life, are charac-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

teristics which one does not find common to all communities in the United States.

Montevideo, the capital of Uruguay, occupies not only a strategic commercial position, but one of such natural beauty that it can be compared only with the situation of New York. The great harbor works which are now approaching completion will bring its shipping facilities into harmony with its natural position. The awakening to modern commercial necessities is transforming the city into one of the great commercial centres of the Atlantic seaboard.

Crossing the Andes, we find the Chilian capital a flourishing city, whose natural position is one of surpassing beauty and whose commercial importance is increasing with each year. Here, again, the spirit of improvement is making itself felt in every department of the city's activity—new avenues are being laid out, a thoroughly modern system of drainage is approaching completion, the water-supply is second to none on the American continent. In a word, no effort is being spared to place the city in the vanguard of municipal improvement.

The capital of Peru combines the subtle attraction of colonial Spain with all the advantages of modern city building. The Government has shown rare good judgment in preserving the buildings of historic value; but, in this desire to preserve the old, the requirements of modern city life have not been lost sight of. In the beautiful public-school buildings, in the numerous recreation centres, in the broad outlying avenues and in the great boulevards now in course of construction, the modern, progressive, energetic Peru finds its most distinct expression.

Finally, for picturesqueness of situation, the capital of Bolivia —La Paz—outrivals her sister cities of Europe and America. Situated at an elevation of 12,500 feet above the sea, surrounded by volcanoes nearly 23,000 feet high, the city seems to transplant us to some other planet. In spite of its remoteness from all the ordinary trade routes, it is growing in commercial importance; and with the completion of the railway lines now in course of construction it will command new and larger markets.

In our estimate of these countries, we have been misled by the fact that every election riot is heralded as a revolution, thus creating the belief that instability and unrest are characteristics of their civilization. We are apt at times to forget the lawless-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ness of some of our early frontier communities and the long series of political difficulties through which they passed before reaching the position of well-ordered communities. Many of the constitutional deadlocks which occur in South America, and which are interpreted as indications of a lack of political capacity on the part of the people, in reality mark the steps in the adaptation of the system of government to the needs of the country.

For more than a century Europe looked upon us through spectacles similar to those through which we now look upon South America. Our judgment of South America is to-day as far from the truth as was Europe's opinion of us fifty years ago, and our awakening will bring as many surprises as did hers.

Just as in the United States, the most serious problems confronting the South American republics are no longer political, but social. The fact that the laboring classes are coming to a consciousness of power involves a severe strain upon their social fabric. The situation is complicated in exactly the same way as it has been in our Southern States, by long years of educational neglect. The awakening to the necessity of a more thoroughly organized system of public education is the best indication of the progressive spirit that is now pervading South America.

In the solution of these social, economic and educational problems arising out of the conditions of an advancing democracy, the experience of the United States will be of greatest value to the Latin-American republics, for they may profit by our successes as well as by our failures. Our system of public education with its more practical preparation for actual life is better adapted to the conditions existing in these republics than are the transplanted French or German methods. The wide-spread desire to introduce our common-school organization and methods is explained by the increasing appreciation of the fact that our system of public education has enabled us to pass through the successive stages of our social development without undermining social order.

This is but the barest outline of the many ways in which our experience may be of service to the developing democracies of America, and it is in this spirit of service that we must conceive of our relation with them. Nor is the relation as one-sided as it appears at first glance. We have heretofore thought of South America solely in terms of its commercial possibilities. The

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

great moral and intellectual movements that have stirred this portion of the continent have entirely escaped our attention. Prejudice arises out of ignorance, and in prejudice feelings of personal, national and racial antagonism take their root.

Even the utilization of the great commercial possibilities of these countries depends to a very large extent upon the development of closer moral and intellectual ties with them. In this respect, the experience of Great Britain should ever be a warning to us. She first recognized the commercial and industrial possibilities of South America. English capital built the great railway lines and English merchants for a long time enjoyed a practical monopoly of South American commerce; but Great Britain never attempted to establish with these countries any of those stronger bonds of common feeling which mean so much for the maintenance of close relations. In his dealings with the people, the Englishman has held himself at arm's length. In every large city of South America there is a British colony, a British social circle, and a full measure of British prejudice. The Briton has ever remained a stranger to the South American and the South American a stranger to the Briton. The people of these countries are conscious of the obligations which they owe to British capital, but this consciousness is not accompanied by any feeling of attachment to the Englishman resident among them. His lack of adaptability, his seeming unwillingness or inability to learn Spanish, and his ill-disguised attitude of superiority have checked the growth of British influence. It is this fact that explains the failure of Great Britain to leave any permanent impress on the civilization of a vast continent, in which she had an unrivalled opportunity. Her power in commerce and industry, where she long enjoyed a monopoly, is on the decline, and it is but a question of time when she will no longer be a factor in the economic life of these republics. It seems a harsh word to say, but one cannot avoid seeing the word "failure" written across Great Britain's relations with South America.

Deeply significant as are the negative lessons of Great Britain's experience, the more positive lessons of Germany's policy are no less instructive. The German Government and the German people have spared no effort to understand the South American nations and to place at their disposal the best results of German

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

thought and activity. With a broad and statesmanlike view, Germany has been ever ready to furnish South America with scientists for her universities, with teachers for her schools, with specialists in administrative, technical and sanitary problems, and she is now reaping the benefit of this far-seeing plan. In a word, German culture has come into organic touch with the life of these nations, serving them just as it has served us.

The intellectual and moral ties thus formed have contributed considerably toward fostering closer commercial relations. German companies seeking franchises and concessions in South America are looked upon with favor, for their courteous treatment of the people wins for them the support of public opinion. German capital, in consequence, is making serious inroads into a field which was at one time exclusively British.

Our own lack of steamship lines and banking facilities with South America, the failure of our manufacturers to adapt their goods to the tastes of the Latin-American peoples, and their refusal to conform to the conditions of South American trade, are traceable, in part at least, to our failure to appreciate the steady and sure advance of these republics to vigorous and independent national life. It is true that until recently the development of our own industrial resources has demanded all our surplus capital, but we have now reached a point at which we can no longer afford to neglect the opportunities which these markets offer.

The people of South America are keenly alive to the fact that throughout the United States there exists this ignorance as to their affairs. They hear of our exchange of professors with European universities, they know of the migration of our students to German, French and English institutions, they hear of the millions spent by American tourists in European travel; and they wonderingly inquire as to the causes of our indifference.

We must give a more positive interpretation and content to our relations with the republics of South America, which shall express itself in a systematic effort to establish greater unity of thought and action between the northern and southern sections of the hemisphere. One of the most important agencies contributing towards this end is the Bureau of American Republics, which, under the able management of its present distinguished director, is rapidly fulfilling the ideals of its founders.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A heavy obligation also rests upon our universities. They must inculcate in a larger proportion of our college students a clearer appreciation of the significance and content of the Spanish-American civilization. For the larger opportunities of business life we need an ever-increasing proportion of men who know the Spanish language. It will soon be quite as important for the North American to learn Spanish as it is for the South American to learn English. But a knowledge of the Spanish language, important as it is, is not sufficient. It must be supplemented by a study of the economic conditions, political organization and literary achievements of the people of Latin America. The record is one that is well worth the serious attention of every student. Our universities must furthermore inculcate in the student a broader intellectual sympathy; a readiness to understand a people and a civilization different from our own—in a word, that ability to weigh and estimate moral as well as material values which is the true indication of culture.

Close and organic relations must be established between the universities of North and South America, between scientific organizations and commercial associations. Furthermore, no effort must be spared to attract a larger number of students from these countries to our universities through the establishment of a comprehensive system of scholarships for Latin-American students.

Again, whenever a request is made for teachers to organize South American educational institutions, we must be prepared to supply men and women, not only thoroughly trained, but capable of adapting our educational methods to local needs. Every request for technical experts to solve engineering, agricultural and sanitary problems must be met.

In this way, and in this way alone, will we prepare the way for the growth of a common continental opinion without which unity of continental action is impossible. The Pan-American conferences are making important contributions to this end. With each recurring conference, unity of action is extended over a larger number of subjects, and over subjects of increasing importance. We have at present but a dim perception of the power of this unity of action in the councils of the nations; its full import will only be known to the generations to come.

It is well for us to remember that, in the solution of the great world-problems now looming portentous in the Pacific, the action

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the republics of this continent, if united, will be decisive. Whether or not the ultimate settlement of these problems shall involve a life and death struggle, it is evident that there will be thrown into the balance questions affecting not merely the welfare of the nations of the Far East, but the very existence of our Western civilization. There will of necessity be a struggle, unless an equilibrium of power is established sufficiently balanced to withstand any designs of the European states, or any monopolistic control by an Asiatic nation. A united America will assure such an equilibrium; for, in the ultimate outcome the will of America must have a deciding voice.

The choice so often put to us by a group of none too friendly European critics, to turn our attention either to South America or to the Far East, is entirely too narrow. We can best subserve our own interests as well as the interests of civilization in the Far East by cultivating unity of thought and action on the American continent. If we do not succeed in attaining this unity we shall find ourselves severely handicapped in the councils of the nations.

The commercial development of the Atlantic seaboard and of the country east of the Rocky Mountains has so completely absorbed our attention that we have failed to grasp the full import of our position as a Power in the Pacific. The spectacular voyage of the Atlantic squadron to the Pacific has been the first event to impress upon the American people that our obligations in the Pacific are becoming more important and more pressing than those in the Atlantic. With the opening of the Panama Canal we shall see clearly what is now but dimly perceived. Our interest in the Pacific is shared by an important group of South American countries, and any policy that we adopt is certain to affect them. It is none too early, therefore, to begin to prepare for unity of action.

It may be difficult, it may be well-nigh impossible, to foresee the ultimate results of this continental policy; but of one thing we may rest assured—that the influence of the United States will in large measure determine whether, as Professor Wendell has so eloquently expressed it, "at this moment of crescent democratic force, our world is passing into the dusk of a new barbarism or into the dawn of a new dispensation."

L. S. Rowe.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE FUTURE OF INDIA.

BY CHARLES F. THWING, LL.D., PRESIDENT OF WESTERN RESERVE UNIVERSITY AND ADELBERT COLLEGE, CLEVELAND.

THE political future of India will be determined by her present. If, in that future, one thing be more settled and evident than another, it is that England will continue to rule. England will be able to rule. No force, either within or without, is emerging which can expel her. Another Mutiny, as Lord Roberts has indicated in his Memoirs, is practically impossible.

Not only is England able to rule, but also England desires to rule. India represents the Empire; and England is not prepared to begin to disintegrate the Empire. India, moreover, represents a worthy field of service for England's sons, and such fields she needs constantly to seek. It is also not to be forgotten that English capital is invested in large amounts in India. Such capital demands governmental protection.

In her heart of hearts, furthermore, India knows that she cannot spare England. Much of that which is best in modern India is of English origin. The educational system, the transportation systems, both on water and land, the irrigation system on a large scale, are English in their beginning and in their administration. The political union of India has been promoted by England. If England were to leave to-morrow, the political union would dissolve both in fact and in idea on the day following. Not only would the union dissolve, but scores of separate states and provinces would fly at each other's throat. Wars, in comparison with which the guerilla conflicts of the Thirty Years' War would be civilization, would immediately spring up. The Mohammedans would arm against the Hindus, and the Hindus against the Mohammedans. If the more than two hundred millions of Hindus could defeat the sixty millions of Mohammedans,—which is

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

doubtful,—these Hindus would in time turn against each other. The thoughtful and sober people of India, therefore, know, as the radical people do not, that the coming of England to India, fraught as that coming has been with many and dire evils, is yet the best thing that ever happened to their country; and they also know that England's leaving India could not be other than the worst thing.

The larger part of the world also knows it is best for the world that England should retain her Indian Empire. Of course certain individual nations do not concur in such a judgment. Russia, when she has settled her own internal questions, would be glad to thrust her Siberia across Thibet and Afghanistan down to the Indian Ocean and the Bay of Bengal. Germany wishes to lay her governmental, as she is laying her commercial, hand upon a large piece of the East. But with these two, although important, exceptions the world knows that it is best for civilization for England to stay in India.

The political future of India, therefore, seems to promise a continuation of her political present. That political future is perhaps the brightest of all the elements that constitute India's national power. Life is secure; property is safe; taxation is not high and is equitable. Every East-Indian knows that he is as sure of receiving justice from English courts and English rule as through any government the mind of man has ever devised.

The economic future of India, however, opens a prospect less favorable than the political. About three-quarters of the laborers of India are agricultural. These farmers are small holders; their farms are of small acreage. After many centuries of croppings of the soil—croppings made not once, but three or four times a year—this soil has in many parts become barren. It is said that in two hundred and fifty years the average yield per acre has lessened by one-half. The manure of cattle seldom goes back upon the land. It is collected, dried and used as fuel. Cotton seed, too, an excellent fertilizer, it is found more profitable to export than to feed to cattle. The attempt, too, to introduce modern tools of agriculture has largely failed, either because of their cost, or because of the inability of the farmer to use them properly, or to keep them in repair. As one who knows and loves India said to me, "A steel plough is better than a wooden stick, but what can an Indian farmer do when the point of a steel

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

plough breaks?" The village has no blacksmith who can mend it. The farming class lacks enterprise. Methods are antiquated. Resources are small. A general air of helplessness seems to rest upon the whole farming community.

The industrial community exhibits a condition of marked improvements and of marked declines in recent years. In the last ten years the following changes have occurred in more than a dozen industries:

	1895	1904.
Cotton-mills	148	203
Jute-mills	28	38
Woollen-mills	5	6
Cotton ginning, cleaning and press mills	610	951
Flour-mills	72	42
Rice-mills	87	127
Sugar factories	247	28
Silk filatures	89	75
Silk-mills	28	11
Tanneries	60	35
Oil-mills	163	112
Lace factories	138	128
Iron and brass foundries	64	89
Indigo factories	8,225	422*

The most significant of all the industrial developments is seen in the cotton industry. Says a wise observer and interpreter of industrial and other conditions in India:

"Some forty years ago we had only thirteen cotton-mills in all India. The number rose to forty-seven in 1876, to ninety-five in 1886, to 155 in 1895 and to 203 in 1904; and to-day the number of our cotton-mills is still larger. We had less than 4,000 power-looms forty years ago: the number was over 47,000 in 1904. We had less than 3,000,000 spindles forty years ago: the number exceeded 5,000,000 in 1904. These are insignificant figures compared with the huge cotton industry of Lancashire; but they show that we have made steady progress, and that we may fairly hope to make greater progress in the future if we are true to our aims and our own interests. Our annual produce of yarn is nearly 600,000,000 pounds in weight; and it is interesting to note that out of this total out-turn about thirty per cent. is used, mostly by our hand-loom weavers."†

Socially, this change in the cotton and other industries is as evil as industrially it is advantageous. For it is important to preserve and to promote the domestic industries of this vast nation. Among all these domestic industries, the hand-loom is per-

* From "Baroda," in the "Ruling Chiefs of India" Series—No. 1, page 75.

† *Ib.*, p. 72.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

haps the most important tool. A hand-loom has recently been invented by Churchill, of Ahmadnagar, which gives promise of being a great rival of the power loom. But India is still importing about 2,000,000,000 of yards of cotton cloth every year, and making only about 600,000,000. The value of her imports of manufactured cotton goods is twice the value of her exports of raw cotton.

The industrial future of any country depends largely upon the supply of coal and iron. The amount of coal, of iron-ore and of other minerals hidden beneath the brown sands of India is still unknown. But the amount is probably not large. At present the greater share of Indian coal, about seven-eighths, is mined in Bengal; but the amount taken out in all India in a year is only four per cent. of that produced in England. India still depends upon England for those iron and steel goods into the making of which coal so largely enters.

Indian industries have been and are primarily domestic. The question is seriously imminent whether the industrial movement of the world, producing goods through large factories in immense quantities, is to overwhelm the home industries. At the Industrial Conference held in Calcutta in December, 1906, the Gækwar of Baroda said in the inaugural address:

"We know, however, that the laborers who can possibly be employed in mills and factories form only an insignificant proportion of the industrial population of India. Very much the larger portion of that industrial population is engaged in indigenous industries carried on in village homes and bazaars. India is, and will always remain, a country of cottage industries. Where hundreds of thousands can work in mills and factories, millions and tens of millions work in their own huts; and the idea of greatly improving the condition of the laborers of India merely by adding to mills and factories is only possible for those who form their opinion six thousand miles away. No, gentlemen; any comprehensive plan of improving the condition of our industrial classes must seek to help the dwellers in cottages. It is the humble weavers in towns and villages, the poor braziers and coppersmiths working in their sheds, the resourceless potters and ironsmiths and carpenters who follow their ancestral vocations in their ancestral homes, who form the main portion of the industrial population and who demand our sympathy and help. It is they (more than the agriculturists, or the mill and factory laborers) that are most impoverished in these days and are the first victims to famines; and if your Swadeshi movement has brought some relief to these obscure and unnoticed millions and tens of millions in India, as I have reason to believe it has done to a perceptible ex-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tent, if it has created a larger demand for their manufactures, widened the sphere of their labors and brought some light to their dark and cheerless homes, then the movement, gentlemen, has my cordial sympathy. Help and encourage the large industries, but foster and help also the humbler industries in which tens of millions of village artisans are engaged and the people of India, as well as those who are engaged in the work of administration, will bless your work."*

Words well spoken are these. For in most parts of the world the large manufacturer has supplanted or suppressed the small. If this condition shall come to obtain in India, the economic fate of the nation is indeed dark.

The future of any great people, or small too, is wrapped up largely also in her social system. The social system of India is founded upon caste; and with the system of caste is specially involved the condition of women. The evils of caste are so evil and so complex that no one should presume to interpret them who has not been brought up in their atmosphere. Regarding caste, I venture to quote from the address given at the eighteenth session of the Indian National Social Conference, held at Bombay in December, 1904, also by the Gækwar of Baroda. The Gækwar says:

"The evils of caste cover the whole range of social life. It hampers the life of the individual with a vast number of petty rules and observances which have no meaning. It cripples him in his relations with his family, in his marriage, in the education of his children and especially in his life. It weakens the economic position by attempting to confine him to particular trades, by preventing him from learning the culture of the West and by giving him an exaggerated view of his knowledge and importance. It cripples his professional life by increasing distrust, treachery and jealousy, hampering a free use of others' abilities, and ruins his social life by increasing exclusiveness, restricting the opportunities of social intercourse and preventing that intellectual development on which the prosperity of any class most depends. In the wider spheres of life, in municipal or local affairs, it destroys all hope of local patriotism, of work for the common good, by thrusting forward the interest of the caste as opposed to those of the community and by making combined efforts for the common good exceedingly difficult. But its most serious offence is its effect on national life and national unity. It intensifies local dissensions and diverse interests, and obscures great national ideals and interests which should be those of every caste and people, and renders the country disunited and incapable of improving its defects or of availing itself of the advantages which it should gain from contact with the civilization of the West. It robs us of our humanity by insisting on the degradation of some of our fellow men who

* "Baroda," in the "Ruling Chiefs of India" Series—No. 1, page 76.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are separated from us by no more than the accident of birth. It prevents the noble and charitable impulses which have done so much for the improvement and mutual benefit of European society. It prevents our making the most of all the various abilities of our diverse communities; it diminishes all our emotional activities and intellectual resources. Again it is the most conservative element in our society and the steady enemy to all reform. Every reformer who has endeavored to secure the advance of our society has been driven out of it by the operation of caste. By its rigidity, it preserves ignorant superstitions and clings to the past, while it does nothing to make those inevitable changes which nature is ever pressing on us more easy and more possible."*

That caste is still powerful, not only in general society, but even among Indian Christians, is sadly evident. One of the most philosophic and eminent of American clergymen living in India, the Rev. Dr. J. P. Jones, of Madura, declares that the church in India is "a very much caste-ridden church." He says in detail:

"And yet such is the fact. Very few, if any, native Christians free themselves from this bondage when they enter the Christian fold. They still think that their life must be socially controlled by the Hindu caste system.

"They freely shake off the trammels of idolatry and of Hindu ceremonial. They even learn to forget many of the ancestral superstitions. But the caste ties remain largely unrelaxed. Their social ties and affinities in the Christian church are largely circumscribed by their Hindu social antecedents.

"And thus the infant Indian Church, save at certain mission centres, is still a very much caste-ridden church.

"1. Its local sympathies are aligned along Hindu-made social strata.

"2. Marriages are contracted almost invariably on strict Hindu caste lines. Mixed or intercaste marriages are still the exception.

"3. Social pleasures are largely confined to those of the same caste.

"4. Christian congregations are limited to a considerable extent to members of one caste. Members of other castes have little idea of joining them; nor have the Christians often any desire to gather them into their Christian fold.

"5. In the choice and employment of catechists and pastors for the care of village churches and congregations their caste antecedents can rarely, if ever, be ignored. And thus every missionary is much handicapped in the delicate work of securing the best spiritual agency for his field."†

Woman in India is chiefly, or only, a wife and a mother. Each condition represents a period of servitude. The servitude of the

* "Baroda," in the "Ruling Chiefs of India" Series—No. 1, pages 52 and 53.

† "The Indian Church and Caste." By the Rev. J. P. Jones, D.D., page 2.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wife follows the servitude of the daughter, and is in turn succeeded by the servitude of the widow to her son in case she become a widow. She is married early. The nuptials may be made long before she reaches her teens. Her first child is born also early, and is born to her in an ignorance so great that it usually dies. But the following multiplication of children is so rapid that each comes into life small and puny, and comes into a home in which food is scarce, work heavy and comforts few or none. Yet polygamy is not uncommon, and the remarriage of a widow is prohibited. Yet to the husband is given the right of putting away his wife if she fail to bear children, or even for causes less serious, and possibly not under her immediate control. *Purdah* secludes women from society. Young do women become old, and young do they die.

The religion of a nation is at once a chief cause and result of its civilization. The religion of India is religions. Three-fourths of the people are adherents of Hinduism. The remaining quarter is largely composed of Mohammedans, with Christians and Parsees following in smaller proportions. Hinduism, in its larger relations, is a great system of faith. But in its interpretations made by the people it is a conglomeration of irrational beliefs and blind superstitions. It is a sad fact that in the history of religions the less worthy elements of belief seem to make the stronger appeals to the great body of adherents. The esoteric faith is quite unlike the exoteric and far superior to it. No one can visit the temples in Benares, in which a sacred bull and sacred cows convert marble halls into filthy stables, and in which worshippers as devout as they are irrational perform rites which cannot be described; and no one can sail of a morning along the Ganges and witness the drinking of the filthy water by the pilgrims without being stirred in heart and mind unto shame and disgust. If, however, one turn to the better of the sacred books of these same unconsciously shameless idolaters, or if one confer in person with the priests of these faiths, one is impressed by the nobility of the ethical principles, and by the truth of the theistic beliefs which they profess. It must be said, however, that ninety-nine one-hundredths of the Hindu people of India accept a faith without reasoning, follow its teachings without questioning, and obey its severest commands without flinching. Under such conditions lie no, or only slight, hopes for the upbuilding of a great nation.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The force of most general application for the promotion of the highest elements of civilization in India is educational. Education meets with great difficulties, however. Chief is the indifference of the people, and next their poverty. Apathy prevents parents from wishing to educate their children, and poverty prevents their giving them an education. Poverty renders the support of all schools difficult, and prompts parents to put their children to work early in order to increase the small income of the family. The education of girls labors, in addition, under the peculiar difficulties of seclusion, caste and early marriage. Education should be made, however, by gradual processes compulsory and also free, despite the heavy addition resulting to the tax budget. As the Gækwar of Baroda has said:

"Great and far-reaching changes might be made in the educational system of the country, and I am of opinion that no ultimate solution of our problem will be reached until schools have been provided in every village, and education is taken to the very threshold of the people; until, in fact, education, at least in its primary grades, has been made free and compulsory throughout the land."*

The manual and technical side of education should receive as great a development as the primary side. The general value of such an education is hardly less than its industrial worth. For scientific training would give the Indian a discipline in definite and direct processes of thinking, of which he stands in dire need. However great may be the value attached to linguistic and philosophic studies, this value is less great for the Indian youth at the present time than the value of scientific training. Herein lies one hope for India. If technical and scientific education can be pursued by hundreds of thousands instead of by thousands, as it is at present, India would be lifted, enlarged, enriched. To quote again from the Gækwar of Baroda:

"I must confess that it is my recent visit to Europe and to America that has impressed me most with the immense importance of technical education in promoting the industries of nations. I may state without exaggeration that education has undergone a complete revolution in the West within the present generation. The great armaments of the Western nations, their vast armies and navies, do not receive greater attention and greater solicitude in the present day than that education in industrial pursuit which befits them for the keener struggle which is continually going on among nations for industrial and manufacturing supremacy."*

But the strength or weakness of a people, its prosperity or its

* "Baroda," in the "Ruling Chiefs of India" Series—No. 1, page 84.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

failure, lies not so much in conditions as in themselves. In themselves are found the elements of gravest foreboding for the people of India. This element is their general weakness of character. They lack strength;—strength of will, strength of logical intellect. They do not have initiative. They see truth with their feelings, and the emotional vision is stronger than either the reasoned conclusion of conscience or the act of will. They see truth with greater facility than they follow its duties in unflagging endurance. They do not possess the sense of large and exact truthfulness. Lord Curzon told them plainly that exaggeration was characteristic of the nation,—and they hated him, and still hate him, for his frankness.

Furthermore, the people of India do not have faith in themselves as individuals. The faith of the nation in itself seems to be strong, but the faith of each man in and for himself seems to be lacking. The decline of the nation for fourteen hundred years has affected the spirit of the individual quite as much as the spirit of the nation. The Gækwar of Baroda says:

"From 500 A.D. we find a steady decline in the political and mental condition of the country down to the two centuries of darkness from which we emerge into the periods of Rajput and the Mohammedan conquest. Follow the fortunes of India down the next eight centuries and note the steady decline in Hindu power, both political and mental, till we come to the time when Europeans obtain a firm footing in India and conquer the country with very slender means, meeting and conquering each problem as it arises. For fourteen hundred years the record is one of steady decline in political and mental nationality."*

Not long before his death the late Charles Cuthbert Hall wrote to a friend saying, "I exult that I received my wound on God's great battle-field." India is a great battle-field of God, and, it may be added, possibly of man. The conflict is to be long and hard. The forces are many, diverse in character and diverse also in strength and aggressiveness. The contest will go on—for how many generations one knows not—under the English flag. In its waging Western industries, Western religion and Western education have a large part in it. Through them and their allied forces, it may be hoped that India will ultimately be quickened unto a finer life even than that which was hers before the beginning of her decline fourteen centures ago.

CHARLES F. THWING.

* "Baroda," in the "Ruling Chiefs of India" Series—No. 1, page 44.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE CONGO QUESTION.

BY FELIX H. HUNICKE.

ANY one interested in the Congo Question will soon discover that the various writers upon that subject are either antagonistic to the existing situation in the Congo or that, with little qualification, they take the opposite view of the case. The reader who honestly seeks the truth, therefore, is naturally filled with uncertainty as to the actual state of affairs; and, unless he has the good fortune to enjoy an opportunity of personally visiting that distant region, he is apt to base his opinion in large measure upon the unfavorable representations which have for years been industriously disseminated in England and America—forgetful of the fact that descriptions of unrelieved gloom are seldom true to the facts. As a matter of fact, one need but travel a few hundred miles up the Congo River to be forced to concede that, whatever foundation there may have been for some of the grave charges against the Government of the Congo, it has accomplished wonders for the advancement of its domain, and that those who, in unmeasured terms, have brought indictment against Leopold's administration of his African dependency have overlooked or ignored the good that has been effected there and the marvellous progress that has been made in the development of a country which equals in extent one-third of the area of the United States. One who has had this experience may be pardoned if he does not give unquestioning credence to the indiscriminate criticisms which have been levelled against the administration of the Congo.

Less than five years ago, the route along the cataracts of the Lower Congo consumed thirty days of infinite toil and struggle over the almost insuperable barrier of the Crystal Mountains. To-day, a well-equipped narrow-gauge railroad covers this distance of 240 miles in two days, passenger-trains leaving both

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

terminals of the Matadi-Leopoldville Railroad three times a week. From Leopoldville fifty steamers ply the 1,200 miles to the foot of the cataracts above Stanleyville. From Stanleyville to Ponthierville there is a second railroad. At Ponthierville there are more Government steamers to continue the journey up the river. Another railroad is under construction on the Upper Congo, or Lualaba, that will in time reach Tanganyika Lake. Last year the final surveys of the railroad from Leopoldville to Katanga were completed, so that it may be presumed that actual construction will soon be begun.

Along the banks of the Congo or its tributaries there are a number of stations where the Government is experimenting with trees, vines and shrubs from all parts of the world. Seeds may be obtained by any one for the mere asking.

At every important point there is a well-appointed hospital. There are churches, schools and laboratories and well-constructed Government buildings. Vast tracts of the equatorial forest have been cleared, and the land has been planted in rubber, cocoa, coffee and other trees and vines, as well as with garden vegetables.

Yet all this tremendous area was, but thirty years ago, as stated by Dr. Charles Sarolea, of Edinburgh University:

> "The darkest part of dark Africa, a blank on the map, a nightmare in the imagination of men, a zoological garden, a human shambles";

while now we find that, to quote from the same authority:

> "Such is the security and peace which is already enjoyed over 1,000,000 square miles under the Congo flag that independent and solitary travellers, including ladies, have been able to travel from one end of the Congo to another with no protection but an umbrella."

Three instances which will fully corroborate this statement came under my personal observation. On board the European mail-steamer, on my voyage to the Congo, there were five Swedish missionaries, three of whom were ladies returning to their field of labor. On our arrival at Boma, all passengers were required to declare to the Customs authorities all revolvers, guns and ammunition, to pay duty on the same and to secure the customary permit to carry arms. These arms have to be delivered to the proper official, who, by means of a steel die, stamps on each a number which is then registered. Knowing that these missionaries had a seven days' caravan trip into the interior ahead of them, I expressed

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

surprise that they had failed to make this declaration, when they assured me that they had no use for firearms.

On the return voyage, we had a Canadian missionary who, with his sick wife, had made a ten days' caravan journey to one of the stations on the railroad, over every foot of which the lady had to be carried in a hammock. They, too, said they possessed no arms, although they had lived fifteen months in the interior, fully a hundred miles from the nearest white man.

The third case was that of an English missionary and his wife, who had spent twenty-five years travelling from village to village in the Congo, extending their trips into the bordering state of Portuguese Angola. Never in the Congo did they have cause to feel the necessity of firearms for personal protection. On the other hand, in Angola they met with such unfriendly receptions at the hands of some of the tribes that, in order to avoid a personal encounter, they were compelled to retrace their steps.

As I had read more or less about "the inhuman cruelty and butchery practised upon the natives" in the Congo Free State, I naturally discussed this question while I was in the Congo last summer with the American Consul-General at Boma, and with each of the six missionaries, one or another of whom from time to time I had the pleasure of meeting at the various places I visited. I was assured that there is now absolutely nothing to complain of. I observe that Professor Starr, of the Chicago University, in his book entitled "The Truth about the Congo," declares that he had the same experience in the previous year. Although some of the missionaries have been in the country twenty-five years and more, not one of them had personally witnessed any of the reputed cruelties—a fact which seems strange if these atrocities are plentiful and "still being perpetrated."

Those who have access to the few books which give accounts of these atrocities will find that the authors invariably describe the same cases (a very limited number indeed). Photographs are shown of natives whose hands or feet have been cut off for various alleged causes—amongst others, as a punishment for not producing sufficient rubber. It is a well-known fact that the cruelties formerly practised by the members of one tribe upon those of another beggar description. Prisoners of war were always tortured to death and eaten. Upon the death of a chief, his wives and slaves were thrown into the grave alive after their arms and legs

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

had been broken. Is it possible that some of the atrocities accredited to Leopold's agents may have been perpetrated by the natives themselves? On the other hand, if some of these agents did commit the acts charged against them, would that be adequate cause for condemning all the others or those who employed them?

The Antwerp steamer makes its first stop, after entering the mouth of the Congo, at Banana. As soon as the vessel comes to anchor, she is boarded by the Health Officer, the Customs Officer and the Company's Agent. Each comes out in his well-appointed gig, manned by four uniformed natives. As soon as the Health Officer leaves the ship endless native dugouts come alongside offering their various wares to the passengers on board. The trading is carried on as it is in any port in the world, the goods being paid for in coin. Ashore may be seen a number of Government buildings and some warehouses of the Dutch Trading Company, a very fair park and, somewhat further up the stream, a native village, where the natives may be seen in the market-place squatting behind their baskets of fruit, while others stroll from place to place to make such purchases as their means will permit. A similar scene may be witnessed at Freetown in the English Colony of Sierra Leone, only on a much larger scale. So, too, the writer has witnessed many Mexican and South-American villages where a like picture is presented. It is seen also at the capital, Boma, at Matadi and at Leopoldville. People bring their wares and dispose of them for money. In the streets, the natives wander about, some carrying bundles, others baskets, all chattering in their native tongue, and none showing any special evidence of "hopeless degradation or poverty" any more than may be found amongst the native Mexicans or South-Americans. The scene is picturesque in the extreme and very interesting. At Matadi, many of the natives greeted me with the friendly "*bote,*" meaning "Good morning" or "How do you do?" in passing me on the street. At church I found a British missionary who, myself excepted, was the only white person present, the entire congregation consisting of native blacks; and all joined heartily in the singing, which was led by a black organist. A second British missionary church was visited, and amongst several hundred attendants there was not a sad or dejected face. All seemed happy, and all appeared to enter into the spirit of the singing. At the Swedish mission every one seemed contented and cheerful. A

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

party of natives, who had come to the pier at Matadi to meet some Catholic missionary fathers returning to the Congo, could not have welcomed their nearest and dearest kin with more affection than I saw them show to their spiritual teachers. Not one of these people is being driven into the forest to gather rubber or ivory, as I was led to believe from an article I read before going to the Congo.

Many missions number their congregations by the hundreds. The Government schools and mission schools are well attended, and most of them are in the hands of native instructors. A Protestant seminary is now being erected near Thysville, where some of the native converts are to be educated as missionaries, and, when proficient, these will be sent out to the more distant villages to preach the Gospel. Enough cannot be said of the excellent work that has been done by the missionaries. The difficulties and hardships these good men and women, both Catholic and Protestant, encounter, no one can appreciate who has not been in the field. As the Government assists the missions, it is but fair to consider that the work accomplished by them should, at least in part, be accredited to it, for without the Government's moral aid the missions would be utterly impossible.

Before King Leopold entered the Congo, the Arab slave raids were known to be as cruel, as barbarous and attended with as outrageous atrocities as the human mind can imagine. To-day, they have completely disappeared; so, too, have the intertribal wars which invariably culminated in wild cannibalistic orgies on the part of the victors. Now that this frightful slaughtering and mutilating and eating each other by the most degraded native races has been completely stamped out, it seems scarcely fair to accuse the Government of having failed to "provide for the protection of the native."

There are thirty-two professional judges in the Congo Free State, and these are assisted by twenty-five judicial agents. Any native who has a legitimate grievance can obtain justice by laying his case before a judge. To strike a native is a serious offence. Reference to the criminal records at Boma will prove that such Europeans as have forgotten themselves sufficiently to raise a hand against a native have paid the penalty for their act.

No European can engage the services of a native without securing a book for the latter in which the terms of the contract

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

must be entered, and in which entries must be made of all payments of salaries. Failure to comply with this law may be punished by imprisonment or heavy fine.

The standing army of the Congo Free State consists of 20,000 native troops under the command of European officers. These troops are stationed at the most important posts. Although polygamy is still practised amongst the natives, each soldier is allowed to have but one wife, who follows her husband wherever he may be ordered. During the seven years of service for which the men are enlisted, they are taught to care for themselves, to respect the laws of the land and to obey their superiors. They are quartered in better houses than they have ever before occupied, and they have occasion to observe and learn and adopt the customs and habits of Europeans. When their terms of enlistment have expired, they are returned to the villages whence they came, carrying with them new ideas and new habits which will, in time, have a civilizing influence upon their neighbors. The respect that the ordinary native has for the uniformed soldier is very great, and much of it remains with the man after he returns to civil life. Instead of looking upon this service as a thing to be dreaded, the natives are beginning to regard it as a privilege to serve with the colors; and they proudly exhibit their discharges to Europeans who may contemplate engaging their services. Of course it will take years—in fact, generations—for all these efforts on the part of the Government and missionaries to bear fruit. Nevertheless, the results are unquestionably apparent already. The following incident may substantiate this point:

I landed at the headquarters of the American Congo Company, one of the concessionary companies, on a Saturday forenoon. The next morning, being Sunday, after breakfast I was near the residence of the manager, when I heard the beating of a large drum. Upon inquiring what this meant, I was informed that it was the call to church in the native village, a few hundred yards distant and hidden from view by a clump of trees. Soon I was amazed to hear some of the good old-fashioned American hymns. There was no missionary at this post—in fact, no European who gave the matter any attention; and yet here were about twenty natives who had, at one time, attended some mission, and who surely must have been sufficiently influenced for the better when, on their own initiative, they held their primitive religious services

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

seated on logs, with the leaves and branches of some grand palms forming the roof of their chapel.

Before leaving the question as to whether or not reforms or any amelioration of the conditions of the natives have been effected during recent years, I will describe the conditions existing under the management of this particular concessionary company.

About one hundred natives are employed at headquarters. These men receive regular salaries, which are paid to them in cash, besides definite stipulated allowances in the form of food and supplies. Every Saturday the latter are served out to each individual for the coming week, and twice every month the men line up at the office to draw their pay. At the company's store, the men may purchase any article that suits their fancy. The principal labor performed by these employees is gathering wood, clearing the land, tending the live-stock, repairing and constructing buildings, handling the rubber and ivory which have been purchased and preparing the same for shipment to Antwerp, loading these products on the boat, and carrying the supplies coming from Europe from the boat to the warehouses—besides such minor duties as are universally required from servants employed in the homes of the resident manager and his assistant. Not one of these men or women is required to leave the post to travel for days into the forest to gather rubber for the Government.

It may be asked: How does this concessionary company secure its rubber and ivory? This, too, I can explain fully, having personally witnessed and even photographed the various stages of the transaction. The first indication of the approach of a trading caravan towards the post is a long-drawn-out "toot," resembling a deep steam whistle during a foggy morning on the Hudson. This is heard repeatedly. Finally a boy or young man, wielding the horn—which is made out of a young elephant's tusk—emerges from the high grass. He is followed, in single file, by the head man, then by the Chief and then by the various individuals constituting the caravan. As a rule, the carriers halt at the company's store, while the Chief and the head man proceed to the manager's office, where the head man, after saluting, explains in the native dialect the object of the call. Thereupon the Chief and the head man—who, to a great extent, seems to fill the office of interpreter—approach the Europeans and shake hands with each and every one, a ceremony that is always carried out with

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

great dignity. The preliminaries having been satisfactorily settled, those present proceed to the store, the Chief directing his followers to unpack their rubber, the Europeans preparing to receive it. As each native delivers the rubber he has brought, it is weighed in the presence of the Chief and the head man; then a slip of paper is handed to him on which the weight of the rubber is noted. Should the rubber be unnecessarily dirty, it is not accepted. After all the rubber has been weighed and turned in to the storekeeper, each native, in succession, enters the store and selects the cloth or article he desires. Should the value of the article exceed the value of the rubber, his request is refused; and, if it is below that value, he is given additional cloth or some other merchandise that will strictly and honestly balance the account. The manager's instructions are to offer coin in payment for the rubber and ivory. This was done in my presence, but it was invariably refused by the native. Only those natives who are in close touch with the Europeans know the value of money. In time, the others will undoubtedly learn to appreciate the advantages of a universal medium of exchange.

Where do the natives get the rubber and ivory they bring to the post? In the forests and in the fields. It is argued that these belong to the concessionary company. So they do; but how is the company to secure the rubber unless the native gathers it? The conditions differ not one iota from those existing all over the world. The man who desires to gratify his needs or wants must, in order to secure the wherewithal, give in return an equivalent value in the form of labor, coin or commodity. On this particular concession, the Government has not compelled one single soul to collect, on its account, one ounce of rubber during the past two years.

I have recently seen the contemplated transfer of the Congo Free State described as an amazing spectacle of one man deeding away, as his goods and chattels, the persons, liberties and property of 15,000,000 people, and a region nearly 1,000,000 square miles in extent. How does this transaction differ from the Louisiana Purchase, or the purchase of Alaska, or of the Philippines? Leopold, King of the Congo Free State, one man, deeds the Congo Free State to Belgium; in 1803, Napoleon, Emperor of France, again one man, deeded the territory known as the "Louisiana Purchase" to the United States, which is spoken of in a standard history as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"the largest transaction in real estate the world has ever known"; in 1867, the Tsar of Russia, once more one man, deeded Alaska to the United States; and finally, in 1899, the Queen of Spain deeded the Philippine Islands to the United States.

As the last-named transfer was effected but ten years ago, the facts in the case are still fresh in the minds of most Americans. I do not recall that President McKinley took any steps to ascertain the wishes of the Filipinos. Strange to say, the latter did raise some objections, and these did not subside until American soldiers used the ever-persuasive argument that, from time immemorial, has proven effective.

We have, therefore, three specific instances in the history of our own country in which the amazing spectacle was offered of one individual deeding to us, for a consideration, as "goods and chattels," millions of square miles of territory and the persons, liberties and property of millions of people.

Article I of the Treaty arranging for the annexation of the Congo to Belgium provides that Belgium shall respect the existing foundations in the Congo.

In all civilized countries of the world a contract is respected. In order to make it perfectly clear that the provision in the Treaty of Annexation was absolutely necessary to carry out the agreements previously entered into with the concessionary companies, I quote such clauses as bear on the subject from the contract between the Congo Free State and the company I have referred to.

"Article I.—The Congo Free State grants to said Company the right, during the period of sixty years dating from the signing of this instrument, to gather rubber and other vegetable products in the territories comprised in the following limits, marked on the appended map."

A description of the boundaries of the territory in question is given in detail, and the succeeding paragraph reads:

"The *lands owned by the natives*, private property, and the lands constituting part of the public domain of the State that may be located in these areas, will *not* be included in the concession. The rights of the party of the second part shall be subject to public or private rights now existing, and to those which may be decreed by the laws of the State. The latter reserves particularly the right, for itself, as well as the right to grant to private individuals the power, to construct waterways in the neighboring forests, to cut wood for the purpose of fuel to make steam and to store the same at posts. Stations for this purpose may be established."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Article IV.—The party of the second part shall have the right to build roads and all other means of communication and of transport, in the concession, *subject to agreement*, if such be the case, *with the natives*, or with third parties *who have private rights to the land*, necessary for the establishment of such ways."

In the first place, the concession granted to this company does not convey one foot of ground: the vast areas granted to it *cannot*, therefore, continue in the possession of this company.

In the second place, any lands owned by the natives located within the confines of the concession are not included in the grant to gather rubber. Therefore, the native is not merely the actual possessor of his land, but he and he alone has the right to all its products. These rights have been scrupulously respected.

In the State of Texas the "school lands" are leased to cattle-owners for grazing purposes. A rubber-bearing shrub, known as "guayule," grows on some of these lands. About five years ago, when "guayule" suddenly sprang into prominence in Mexico, the lessees of the Texas school lands decided to reap a rich harvest by selling the shrub existing on the lands they had leased from the State. To their surprise, the School Commissioners of the State ruled that this was illegal, and the Legislature sustained their decision.

The Texas grazing lease is very similar to the rubber-gathering concession of the Congo Free State. In the former case, the lessee may graze his cattle on the lands, but he cannot gather the rubber; while, in the latter case, the concessionary company may gather the rubber, but cannot appropriate any other product such as coal, ore and timber found on the concession.

It is difficult to understand how the native is kept out of the possession of the produce of the land because of the existence of this concession. What possible benefit would he derive from the actual possession of any additional lands? If he cares to exploit any given number of acres of land, what is there to hinder him from doing so? I have not seen one native who, on his own initiative, cultivated any land except such small patches as sufficed to provide for his needs, and even these he himself does not work as long as he has a wife to do it for him. The men will gather the tree and vine rubber, but they will not work the soil. In the case of the grass rubber the men may gather the roots, but the women and children must pound the rubber out.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If the native needs powder or salt or cloth, he will gather rubber; this he brings to the post to exchange for the articles needed. Having satisfied his wants, he does nothing but live in idleness until such time as his supplies are again exhausted. There is nothing compulsory about the rubber-gathering; and, on the concession referred to above, the only tax known is the one paid by the company to the Government.

The French Congo has been so completely partitioned out amongst concessionary companies that not ten per cent. of its territory remains in the hands of the Government. The only village of importance in this vast colony is Brazzaville, which is located on Stanley Pool opposite to Leopoldville. The improvements made by the Government are so few that they hardly deserve mention. All supplies destined for the French Congo are brought to Brazzaville on the Matadi-Leopoldville Railroad. Thus, were it not for the transportation facilities established by Leopold, the French Colony would be practically inaccessible. In the same manner, many of the products of the British and German colonies east of the Congo Free State can be shipped to the European markets only by way of the excellent facilities Leopold has established in his domain.

What has been done by the European countries which own these African colonies to warrant the belief that they are more fitted to govern the parts of the Congo Free State that might be allotted to them in case the latter State is partitioned out amongst them than is Leopold to-day? What benefits have the natives in those colonies ever derived from the fact that they are living under the English, French, German or Portuguese flags? As long as the Congo is a colony of a "neutral" State, there is reason to believe that there will be no conflicting interests amongst the colonies of the other European Powers. The very act of partitioning the Congo amongst four Powers would bring about a situation almost sure to lead to difficulties.

France, Germany and Portugal are satisfied to permit the *status quo* to continue. Then why this strenuous effort on the part of England in behalf of the Congolese? Does England need the Congo so that her Cape to Cairo railroad may traverse none but British territory?

FELIX H. HUNICKE.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEW BOOKS REVIEWED.

BY LOUISE COLLIER WILLCOX, OLIVIA HOWARD DUNBAR AND GRACE ISABEL COLBRON.

GILDER'S COMPLETE POEMS.*

THE fascinating French iconoclast of to-day tells, in one of his prefaces, an amusing anecdote of the dictation set for the entrance examination of the young volunteers. The papers got hold of the dictation and, believing it to be the composition of some army officer, could not finish deriding the absurdity of the style until it was set forth that the dictation in question was one of the most eloquent pages of Michelet, when they fell suddenly silent. "But," adds M. France, "in order to be unanimously admired the page had to be signed."

In taking up the volume of Richard Watson Gilder, we wonder how we should have judged it had it been unsigned, for the name stands for so much more than that of mere poet; it stands for a force in our civic and national life; it stands for the critic and wise editor before whom the present generation has so often stood trembling, with small wares for sale, and to how many, too, does it stand for the first staunch upholder, the sage counsellor, the patient and gentle helper?

It would be difficult, indeed, to find any one among the younger writers of to-day who could lay hands upon this first complete edition of Mr. Gilder's poems without reverence and a personal prejudice in favor of its author. And the first unwilling fault one finds with it is that the author did not give it a little informal preface, a little word direct to his friends; the second, that the different volumes which go to make up the book should not be dated so that, at a glance, the early songs and sonnets, dating

* "The Poems of Richard Watson Gilder." Boston and New York: Houghton, Mifflin Co. 1908.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

back to 1875, might be distinguished from the larger and freer utterances of thirty and more years after.

The early songs and sonnets are indeed of uneven merit. Close beside the charming little vignette, "A barren stretch that slants to the salt sea's gray," comes the sonnet, in the Italian manner, containing the undecorated and undisguised statement, "I like her feet." In Italian such a matter-of-fact utterance is softened by the music of the language; in English, had it chanced to be, "I love her feet," it might have passed; but standing, as it does, at the beginning of the line, undisguised and undraped, it verges on the proverbial step from the sublime.

It would be a pleasant task to write fully upon Mr. Gilder's sonnets, for it is a form in which his verse moves very happily and freely, and in which he has offered us some of his noblest thinking. "The Lover's Lord and Master" (1875) is an excellent sonnet, showing still the influence of Petrarch. In the sonnet "To the Sonnet," despite its beauty, one feels the imagery too closely packed. In Wordsworth's lines on the same subject he calls the sonnet a key, a small lute, a pipe, a gay myrtle leaf, a glow-worm lamp, and, finally, a thing and a trumpet; Mr. Gilder goes further and calls the sonnet a pearly shell, a precious jewel, a little picture, a tear, a two-edged sword, a star, a song, a funeral bell, a flame, a solemn organ, a clear glass and a sea. This is the very opposite of Rossetti's fine warning of the sonnet,

> "Look that it be
> Whether for lustral rite or dire portent
> Of its own arduous fulness reverent."

Nor is it possible to feel that the translation of "*Tanto gentile e tanto onesta pare*" compares favorably with either the translation of Charles Eliot Norton or that of Rossetti. But there are beautiful and noble sonnets here, such as, "I count my time by times that I meet thee," three sonnets of "Love and Death" and the sonnet to Keats with the fine lines:

> "What large laughter
> Among the immortals when that word was brought."

Again the sonnet beginning,

> "Something there is in death, not all unkind,"

is flexible and lovely; and foremost for its record of the instant of vision, shared by so many poets, Browning, Shelley, Tennyson and Whitman, stands "The Solace of the Skies" ending:

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"But something suddenly through my heart did pour,
Beyond all thought, all dream, all hope; since then
Nor death nor life has been the same to me:
Can grief the spirit kill, once touched by Deity?"

The poems that deal with music number over forty and witness to the preoccupation it has been to this poet throughout his life. The ode to McDowell is full of fine patriotism as well as of lovely and precise description of the composer's music. The "Chopin Fantasy" again is truthful and exquisite, and "Paderewski," with the opening line,

"If songs were perfume, color, wild desire,"

is full of the emotion of music.

It is impossible in so small a space to deal with Mr. Gilder's patriotic poems beyond pointing out the two which should surely be in every anthology of American verse, "The Life-mask of Abraham Lincoln" and "The Great Remembrance." Nor, again, can one touch upon the large number of poems to friends which speak eloquently of the poet's wide sympathies and fine enthusiasms.

In the philosophic and meditative poems, Mr. Gilder makes, perhaps, his highest reach. These easily admit the untrammelled form which in the later years seems most congenial to the poet. Here is fought out the great struggle of this century between doubt and faith, the reconciliation of a world distraught with God. But for the line,

"Five are the generations this place has *humaned*,"

"The old House" is lovely. Is it not sad enough to live in a day when journalists write of "a human" without a poet and a critic coining "to human"? In the same *genre*, "*Non Sine Dolore*" is the finest poem both in form and content, and is a poem to love and be grateful for with its high diction and sustained philosophy of courage and endurance.

The lines,

"If He escape not pain, what beings that are
Can e'er escape while life leads on and up the unseen way afar?
If He escape not, by whom all was wrought"—

recall Madame Ackerman's terser line,

"*Celui qui pouvait tout, a voulu la douleur.*"

But Mr. Gilder's poem moves on, working up splendidly from

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"If at our passing life be life increased,"

through the glorification of pain as the soil from which the bliss of being brave must grow, to the lines in which he asserts of pain:

"'Tis not from life aside, it doth endure
Deep in the secret heart of all existence,
It is the inward fire,
The heavenly urge, the divine insistence."

To wish to change anything in a poem which we could not and would not lose is ungracious, but it is impossible not to be somewhat grieved by the line,

"The strength to never yield though all be lost,"

with the unnecessary split infinitive and the reminiscence of Milton's familiar and grandiose passage which begins, "All is not lost," and ends with,

"Courage never to submit or yield
And what is else not to be overcome."

The inverted stress would have added vigor to the line,

"The strength never to yield though all be lost,"

even if it were not better dropped out altogether. The volume, as a whole, is a valuable addition to American verse, full of contemporary thought, and, signed or unsigned, none could fail to find in the volume a real poet, sincere, humble-minded, serious; never dropping to the popular lilt, never failing in large and noble enthusiasms, one who has lived life fully, aware of great issues and alert to chronicle all loveliness.

LOUISE COLLIER WILLCOX.

"THE FAMILY LETTERS OF CHRISTINA GEORGINA ROSSETTI."*

THE difficulties that Christina Rossetti presents to the biographical enthusiast were long ago illustrated by the well-intentioned effort of Mr. Mackenzie Bell, whose book sounded as though he wrote in constant fear that the reproving eye of some critic more copiously informed than he were looking over his shoulder. It may be, of course, that in such a case as hers, taking into account, that is to say, the intimate quality of her genius and the conventual character of her life, only an autobiography

* "The Family Letters of Christina Georgina Rossetti." Edited by William Michael Rossetti. New York: Charles Scribner's Sons.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

could be fully satisfactory. And this, it is true, she has, in larger measure than is always realized, furnished in her poetry itself, much of which, as her brother explicitly states, is intimately personal. But to that picture of her which later generations will, one imagines, be more and more eager to form, this newly published volume of her family letters will importantly contribute. With the exception of various barren intervals, these extend through the period of her whole life; and they are almost all of Christina Rossetti's own authorship, as it was her usual habit to destroy letters that she received. Mr. William Rossetti's annotations are scrupulous, abundant, invaluable;—so that once again one is forced to marvel at the dispensation that provided for the Rossetti family one such tirelessly industrious and fortunately enduring member.

In the main the letters are rather formal,—but it is evident that all Christina Rossetti's intercourse was formal. Those who are disappointed to find so little of direct personal revelation may reflect that they would have gotten far less from actual acquaintance. With the world outside 30 Torrington Square she seems to have had incredibly little to do. She avoided most personal relationships. When Macmillan, her publisher, was to be consulted, she preferred that one of her brothers go in her stead. Her interest in literature never abated; but if the letters reflect her properly, she felt little interest in other arts, except as these were practised by members of her own family. (She did not go to the theatre, for instance, after she was eighteen years old.) She exhibits rather less than the ordinary enthusiasm for children, and one would even suppose her feeling for nature not to have been excessive.

These various restrictions, all interesting and significant, must have been partly due to her constant invalidism, with its frequent periods of great suffering and danger;—but also, one cannot help believing, to the extreme intensity of her nature, which could not dribble away its force in superficial or sentimental interests, but demanded opportunity for concentration. She accomplished this concentration, of course, first upon her mystically conceived religion and next upon her attachment to her family, particularly her mother. This wonderfully unstinted filial love is indeed the most constant element in the letters, though they also beautifully show her attitude toward her sister

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and brothers:—Maria, in whom she saw "no insignificant touch of greatness," and whose fancied moral superiority to herself is said to have inspired "Goblin Market"; William, upon whom she continually relied for substantial brotherliness; and the adored Dante Gabriel, who called her "a more spontaneous poet" than himself, and to whom, as critic, she referred all her work. It is curious to come upon Dante Rossetti's objection, on the ground of their too personal quality, to the republication of a good many of his sister's poems, and upon the reticent Christina's composed defence of her course. She was, however, among the artists who thoroughly understand themselves,—unless it be a defect in understanding that she undervalued herself. She spoke of her "one-stringed lyre," and added, "it is not in me, and therefore it will never come out of me, to turn to politics or philanthropy like Mrs. Browning." And she speaks with half-playful confidence of "a genuine lyric cry," which she is willing to "back against all skilled labor!"

A particularly valuable part of the volume is that giving a glimpse of Christina's youth—inasmuch as she seems to have been young for so brief a time! It is unexpected to encounter so young, girlish and therefore charmingly self-conscious a tone as one does in these eighteen-year-old letters. At this age she was already thinking and writing poetry in common with her brothers; and a visit to the family of James Collinson, the Pre-raphælite painter, to whom she was then engaged to be married, not only stifled her with a surfeit of prose, but drew from her some precociously Jane Austen-y comment.

Money was always scant in the Rossetti family, and for this reason alone Christina for the following few years did some teaching on the governess order. No explanation is needed of the fact that she cordially disliked this occupation.

The light tone of the early letters soon disappears, and the later ones are all wonderful witnesses of their author's almost touching unaffectedness and of a seriousness pretty constantly touched with melancholy. She retained, however, her ready frankness of expression. "I am not well versed in George Eliot as a bard," she remarks, with obvious entire lack of sympathy for her contemporary, "but feel inclined to rate Mrs. Webster decidedly higher." For Augusta Webster she had a warm admiration. Once somebody sent her Emily Dickinson's poems,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in which she saw "a wonderfully Blakean gift, but therewithal a startling recklessness of poetic ways and means." On reading William Watson's "Prince's Quest," she wrote to Dante Rossetti: "Marked beauties it has, and yet I don't foresee a great future for its author."

As religion determined (very beautifully) the content of most of her poetry, so it was also religion that determined (perhaps less happily) the course of her life. The mystery by which Christina Rossetti was able to reproduce in verse her moods of intense devotion is something one scarcely cares to invade with unanointed feet.

But as far as her own life is concerned it is scarcely possible to regard her uncompromising attitude toward religion as an unmixed blessing. In repeated small matters it seems to have involved unnecessary sacrifice on her part. More conspicuous is the fact that she did not marry James Collinson, her early lover, because he became a Catholic. And it was for some religious reason, obscure even to her always sympathetic brother, that she, much later on, refused marriage with Charles Bagot Cayley, whom she loved then and always, and to whom, according to William Rossetti, the "Monna Innominata" sonnets are "indubitably" written. But it seems fairly plain that this renunciation did not leave her even passively content, but that she thought longingly of the "common lot" to the end of her days.

OLIVIA HOWARD DUNBAR.

HENRIK IBSEN.*

THIS little book will prove exceedingly useful to the Ibsen student. For, although Mr. Moses has not succeeded in proving his right to be considered a creative critic, he has given us a careful and conscientious summary of all of importance that has been written about Ibsen in three or four languages. It is a compilation made with painstaking industry aided by intelligence. Impartially, with cautiously worded comments and much quoting from the original, Mr. Moses gives us the gist of the best-known writings on Ibsen, and tells also of some not so well known here, but of equal value. When we finish the book, we have an excel-

* "Henrik Ibsen: the Man and his Plays." By Montrose Moses. New York: Mitchell Kennerley.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lent perspective of the man and the dramatist as seen by his most gifted commentators and critics of various nations.

As a critic and a biographer, Mr. Moses has set himself the task of showing that the development of Henrik Ibsen was a thoroughly logical one, when studied in connection with the national influences which surrounded him throughout his life. This is the only true spirit in which to approach a study of Ibsen, but it is not always the spirit in which the critic goes to work. A certain grand isolation in which the figure of Henrik Ibsen seems to stand enveloped; the world-fame his work has gained for him, coupled with an almost total lack of knowledge of the more intimate mental and physical life of the country of his birth on the part of many Ibsen commentators; these facts have all contributed to a growing inclination to judge Ibsen as a unique and isolated genius, standing alone upon a mountain peak in a shadowy No Man's Land of the spirit. The chief critical merit of Mr. Moses's book is that he has emphasized Ibsen's constant mental and spiritual dependence on his own country; the fact that, in spite of years of residence abroad, Ibsen remained always the Norwegian, the provincial Norwegian even. His whole thought was for his country, her problems, her limitations, her possibilities. He was looking at a tiny corner of life, was painting on a little square of the world's great canvas, but the intensity of genius gave him an impetus that carried him out of himself into regions of which he had not dreamed.

Mr. Moses has painted lucidly the details of the life in which Ibsen's younger days were passed, and has endeavored, while describing the poet's development, to describe also, as much as is possible, the developments of Scandinavian political and mental life which were the exciting cause, and sometimes the result, of Ibsen's most notable work. He has fulfilled his task in an uninspired but conscientious fashion, and has held a just and true proportion of background as a setting for the principal figure of his book. In speaking of Ibsen's relations with Björnsen, Mr. Moses contributes one phrase which is noteworthy. He says:

"It was not a thought of class distinction which was to come between the two at a later time, but the distinction was that which exists between the views of a constitutional radical and of an intellectual radical."

This characterization of Ibsen as an intellectual radical in contradistinction to the constitutional radical, or the "practical radi-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cal," to use a modern phrase, is the best bit of criticism in the book. It hits the heart of Ibsen's radicalism exactly.

After the first few chapters on Ibsen's early life, Mr. Moses divides his book into chapters on each play, giving the story, the incidents of its creation and completion, and all data of its reception in the dramatist's own country, as well as valuable information on performances and criticisms elsewhere. In this last respect, Mr. Moses's book is most complete, as he has been able to gather information regarding performances of Ibsen plays all over the world.

A little quotation from "Brand," the words of Agnes: "Think of me sitting still . . . who am debarred from the strife and catch no glimmer of the fire of action . . ." starts an interesting train of thought. Not one of the many Ibsen biographers has told us anything outside of the most meagre data concerning Ibsen's wife. There is, therefore, even in this well-tilled field, one little unexplored corner left for some future Ibsen commentator. There is no lifelong companion of any genius so utterly unknown as Ibsen's wife.

Some slight errors there are, even in this painstaking work. Mr. Moses mistakes *Rector* for *pastor* in commenting on Rosmersholm. A common error, as use of the title of Rector for Headmaster of a school, common in Scandinavia and Germany, is not general in English. Also, where does Mr. Moses get the idea that Hedda Gabler was "lowly bred," when the key-note of Hedda's character is the struggle between her own nature and the traditions of her bringing up as the daughter of a Norwegian general, a man of the highest social position?

In his chapters, explanatory and critical, on the separate plays, Mr. Moses uses the recently completed Scribner edition, in Mr. Archer's translation, as a basis. It is no small merit for a publisher to have presented in the English tongue that moderate-priced edition of Ibsen's work in an authoritative and carefully edited translation. Ibsen has long been a familiar figure in the English-reading literary world, but it was only by an isolated play now and then, or by comments of critics able to read foreign tongues, that this English-reading world could judge of the much-discussed poet. Now it is possible to make a comprehensive study of Ibsen in our own language.

GRACE ISABEL COLBRON.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WORLD-POLITICS.

LONDON: ST. PETERSBURG: WASHINTON.

LONDON, *March, 1909.*

AFTER three years of almost incredibly thorough and arduous toil, the Royal Commission appointed to inquire into the British Poor Law has issued its Reports. They make appalling reading. Most of us were probably prepared to find the British Poor Law the worst in Europe. But few of us can have more than suspected the depth and breadth of its badness. Now, however, we know all, or nearly all, that there is to be known about it. Every branch and detail of the whole fatuous and debasing system has been laid bare—the workhouses where, except for the elementary division of sex, nothing is done to separate the young from the old, the good characters from the bad, or the healthy from the deficient; the outdoor relief perpetuating dirt, disease and immorality; the labor-yard encouraging the casual and the "in-and-outer" and discouraging and degrading the industrious unemployed; the Boards of Guardians, each, with few exceptions, a miniature Tammany; the chaos of indiscriminate voluntary charity confirming every instinct of idleness and unthrift; the public elementary schools turning out thousands upon thousands of boys without a single industrial aptitude among them; municipal relief works subsidizing the casuals and incompetent and repelling the decent and the capables at an enormous cost and with the minimum of local benefit; the utter inadequacy of such labor exchanges as exist; and the absence of any effective scheme of insurance against unemployment. Small wonder that, with such conditions, the sixty millions sterling a year spent in Great Britain on education, sanitation and poor relief seem almost thrown away; that the army of paupers, in spite of the increase of wages, is all but as huge as it was five and thirty years ago;

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and that the cost of maintaining each individual has more than doubled since the early seventies.

The Commissioners were not able to present a unanimous Report. Eighteen able, earnest and experienced persons, each one an authority of the first rank on some special branch of the whole gigantic problem, could not possibly have been expected to agree on every point of diagnosis and prescription. The wonder is that they should have found so much in common. Substantially both the majority of fourteen and the minority of four are at one in their recognition of the defects of the present system and in the reforms they would apply to it. Thus both parties condemn the mixed general workhouse as almost the last word in extravagance and demoralization. Both decree the abolition of the Boards of Guardians and for the same reasons of inefficiency, nepotism and irresponsibility. Both agree that the administrative area for dealing with the problems of poverty must be that of the County or County Borough Council. Both urge the necessity of co-ordinating public and private charity. Both favor a wide extension under Government direction of labor exchanges on the German model. Both draw a distinction, which in practice has never yet been drawn, between the deserving and the undeserving poor. Both propose to treat the wastrel and the loafer with Elizabethan rigor. Both insist upon segregating and classifying the recipients of public assistance and upon handling the special problems of children, of the aged and infirm, of the sick, of the able-bodied men, of the able-bodied women, of vagrants, and of the feeble-minded and epileptics, separately. These are principles which lie very near the root of genuine reform, and the fact that they are held in common by both the majority and the minority should be enough to furnish an assured basis for the work of reconstruction.

This much at least is certain, that whatever form the British Poor Law may assume, in its present spirit and methods it is doomed. The Reports of the Royal Commission, which have been separately issued in book form and are selling like one of Mr. Hall Caine's novels, have shocked and stimulated the public mind. Every one now realizes that on the Poor Law legislation of the next two or three years will depend the moral and physical well-being of millions of Englishmen for the next two or three generations. Every one is convinced that England must either throw

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

off this stupendous burden of pauperism or it will bring her inexorably to the ground. The majority of the Commissioners, it is felt, are profoundly right when they insist that no country, however rich, can permanently hold its own in the race of international competition if hampered by an increasing load of this dead weight, or can successfully enact the rôle of sovereignty beyond the seas if a portion of its own folk at home are sinking below the civilization and aspirations of its subject races abroad. The question of pauperism is for Great Britain emphatically an Imperial question, and a democracy in which large classes have lost their independence, their self-respect, and all sense of the dignity of labor, is a democracy that is steadily unfitting itself for any part of work and effectiveness on the stage of *Weltpolitik*.

Since Parliament reassembled in the middle of February the House of Lords and not the House of Commons has been the centre of interest. This is because it fell to the Lords in the last week of February and the first of March to take into consideration Lord Morley's scheme of Indian reforms; and no subject that has thus far been mentioned in the House of Commons even begins to compare in gravity with the revolution aimed at by Lord Morley in the spirit and workings of British rule in India. The essence of his proposals is the association of educated Indians in the effective work of policy and legislation; and this end he looks forward to attaining, first, by appointing a native to the Viceroy's Executive Council which is the supreme governing authority of the country; secondly, by enlarging the powers and numbers of the Viceroy's Legislative Council; thirdly, by adding an Indian to the Executive Councils of the Governors of Bombay and Madras; and, fourthly, by obtaining authority to create Executive Councils in those Provinces that at present are ruled by Lieutenant-Governors. The debates in the Lords on this momentous scheme were of unsurpassable brilliancy and value. The Upper Chamber contains among its members many who have served in India as Viceroys, Governors, Lieutenant-Governors or civil servants; and while their tone was often critical of the details of Lord Morley's Bill nothing could have been better than the large, serious, Imperial and statesmanlike spirit in which they approached the general problem. In the end Lord Morley got his Bill through without amendment or mishap, except that the clause authorizing the creation of Executive Councils in the Provinces

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

administered by Lieutenant-Governors was struck out. It is certain, however, to be replaced by the House of Commons, and as the Lords are unlikely to insist upon its exclusion Lord Morley's reforms stand every chance of being adopted by unanimous assent.

I do not by that mean it to be understood that they have escaped severe and searching criticism. The appointment of a native to the Viceroy's Executive Council has formed no part of the Bill, being a matter that comes altogether within the Imperial prerogatives. If it had formed part of the Bill, I imagine the Lords would have voted it down. No feature of the measure came in for rougher handling; none is so plainly revolutionary and contentious; none forces so wide a breach into that homogeneity at the top which hitherto has been a fixed principle of British rule; none is more likely to create that impression of racial or political favoritism which it has been the foundation of our strength to avoid. "In India," argued Lord Morley's opponents, "we are impartial or we are nothing. Every race and creed would sooner be governed by us than by a member or a body drawn from any or all of the Indian communities. We alone represent the whole of India and can look with equal eye on the clash of interests, religions and nationalities. That is the basis of our whole position, and to admit a native, however able and respected, to the supreme Executive Council is to compromise our prestige in the eyes of the native Princes, to handicap our freedom of action and to impair the universal confidence in our impartiality. We may gratify one man and a single section of a single community. But it will only be done at the cost of suspicions, jealousies and resentments we ought never to provoke." That there is much force in these arguments must, I think, be admitted. Lord Morley, however, remains impenitent and unconvinced. He will not countenance the suggestion of two natives, one a Hindu and the other a Mohammedan; nor will he pledge himself to recommend a representative of each race alternately. He stands rigidly on his original proposal, justifying it by the contention that a native of the necessary qualifications and experience should not be excluded from the highest authority in the land merely because he is a native and that when you are making concessions it is sound policy to make them generously.

On the whole, I think it may fairly be said that while nobody in England ignores the risks they involve, everybody approves the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

motive and objects of Lord Morley's reforms. Every one, that is, agrees that we can neither stand still nor retrace our steps; that education, railways, the native press, the admission here and there of the representative principle, the peace and security engendered by British rule, and the mental and physical circulation which has set up throughout the Orient, have produced a legitimate discontent with the old methods of mechanical, inelastic, bureaucratic rule; that we have made too much of efficiency and too little of sentiment; and that it is the business of statesmanship to vest the functions of administration, and to some extent of policy and legislation, in an Anglo-Indian partnership. All this means a good deal of disturbance in the machinery of government and necessitates a readjustment of the spirit and attitude of British rule. But the acknowledgment is universal that it is precisely this readjustment that is most needed, and that Lord Morley's scheme effects it with no sparing hand. Nobody in the Lords had any alternative scheme to suggest or contemplated for one moment the possibility of rejecting it. Its passage through the Upper House was immensely facilitated by two concessions which Lord Morley was able to announce. His original proposal was that for the purpose of electing members to the Legislative Councils mixed electoral colleges should be composed of Hindus and Mohammedans, and that each community should be represented in proportion to its numbers. Against these two provisions the Mohammedans strongly protested, and both of them have now been wisely abandoned. That is to say, Lord Morley has decided to allow separate representation to the Mohammedans and to grant them more representatives than their mere numbers would entitle them to. The whole episode has been one on which American critics of British rule in India might well be invited to reflect. Lord Morley proposed his mixed electoral college with the idea of "promoting harmony" and "bringing the two great communities more closely together." He quickly found that harmony could only be promoted by separating them, and that the way to bring them more closely together was to keep them as much as possible apart. The moral is that the British do not rule India by dividing. They rule India because she is divided, prefers to remain divided, and resists any attempt on the part of her governors to bridge over her divisions. The ancient primitive cleavages of race, creed and caste still present

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an inexpugnable front against the very conception of territorial patriotism; and where race, creed and caste are the operative factors in politics you can secure neither equality of treatment by counting heads nor concord by pooling votes. It has now gone on record that the British rulers of India opened the gate to union and that sixty-two million Indians refused with passion to pass through it.

The King's Speech at the opening of the fourth session of the present Parliament on February 16th emphasized the predominance which financial questions are bound to occupy during the coming months. "Owing to various causes," it announced, "including the new provision which was made last year for old age, and an increase which has become necessary in the cost of my Navy, the expenditure of the year will be considerably in excess of that of the past twelve months. In these circumstances, the provision necessary for the services of the State in the ensuing year will require very serious consideration, and, in consequence, less time than usual will, I fear, be available for the consideration of other legislative measures." In spite of that the Government's programme includes the Irish Land Bill which Mr. Birrell introduced last session and which is certain to be the centre of a prolonged strife; a Housing and Town Planning Bill; a Bill, which has no possible chance of passing the House of Lords, for disestablishing the Church in Wales; and several other Bills for establishing labor exchanges, setting up Trade Boards to prevent sweating, amending the Old-Age Pensions Act so as to deal with the "hard cases" on which I touched in my letter of two months ago, and reforming the laws respecting inebriates, the milk-supply and the hours of work in shops. No mention was made of the House of Lords, which Mr. Asquith in December declared to be "the dominant issue"; and the Government refused during the debate on the Address to entertain the suggestion of one of its own supporters that it should dissolve at once on the question. Nor was any mention made of Ireland, parts of which have unquestionably lapsed into a state of serious disorder. Mr. Birrell's administration of the country, and especially his refusal to put the Coercion Acts in force, was sharply arraigned by the Opposition in one of those familiar debates on Irish affairs that leave the Irish question a little more confused and insoluble than it was before.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ST. PETERSBURG, *March, 1909.*

SOME of the forces, internal and external, which bid fair to shape Russia's destinies for centuries have come into play during the last three or four months, and almost imperceptibly. Certainly their importance has not been appreciated, perhaps not even suspected, by the daily press, which reserves its best attention for the strikingly significant, the new, the sensational. Nor is this to be wondered at, seeing how slow is the operation of most of these forces and how difficult it is for a foreigner to forecast their effects. One of the momentous changes in this category—indeed, one may boldly affirm the most fateful of them all—is the measure for the break-up of the village commune, which was carried in the Duma a few weeks ago. The idea underlying that bill was first unfolded by Count Witte, who intended to modify it before enacting it. It was then taken over by M. Stolypin, promulgated as a temporary measure by the Tsar, afterwards laid before the Duma, discussed with passion and has now been duly inscribed on the statute-book. Its ultimate object is to create a class of peasant landowners who shall be strong conservatives in politics, zealous adherents of the monarchy and bulwarks of the Church. But its incidental effects will be more far-reaching than the consequences which, deliberately aimed at, will doubtless also be achieved in the fulness of time.

Heretofore the bulk of the peasantry in Russia held their land in common, each family receiving in proportion to the number of its male members, a share which it continued to keep until the ensuing redistribution. These holdings, consisting of strips, generally scattered over a large area and sometimes lying miles apart, were managed in accordance with customary by-laws which, sometimes ruinous and always irksome, could not be disregarded by the individual. In this respect the hard-working, pushing tiller of the soil was at a great disadvantage. And not only in this. There are always in the Mir a contingency of members who are lazy, idle or ailing, and whose work is less in quantity and worse in quality than that of the others, and the taxes of those drones had to be paid by the conscientious workers. Under these conditions which tend to dishearten the individual and kill enterprise, the land was plundered rather than tilled, and the husbandmen, with few exceptions, lived from hand to mouth and were generally in debt. That is the state of the Russian peas-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

antry to-day. Of property as an inalienable possession they have no clear-cut notion. Hence two years ago they rose up in arms, seized the land of the squirearchy, burned their manors, expropriated their estates. And they saw nothing reprehensible in this violent mode of bettering their condition. Now the object of M. Stolypin's remarkable bill being to remedy the defects, of which plunder and arson are manifestations, it bestows upon all members of the commune the right to claim the land which they are actually tilling and to buy more if the Government have any more to offer them. The money necessary for this financial operation is to be supplied by the peasants' land bank. Such in brief is the gist of the famous agrarian reform bill which has recently obtained the approval of the Duma and the sanction of the Tsar.

It may ultimately attain its end, to compass which was a task well worthy of the generous ambition of a far-sighted statesman and an enterprising patriot. But in all likelihood that consummation will require a longer time and necessitate heavier sacrifices than is commonly assumed. There is too much reason to fear that long before the wished-for results are achieved thousands of peasants will have succumbed to the temptations that continually assail them—to drink, laziness, waste and improvidence—and having disposed of their farms will be turned adrift from the soil that humanized them, and sent to join the army of destitutes which is already one of the standing dangers to the State. Nor is that the worst. Tens of millions of others, literally tens of millions, will be directly cut off from the soil by this drastic measure and be forced to eke out their existence in ways hitherto untried and by activity of a kind that bodes no good to the social or political fabric. In a word, no such radical change has ever been wrought in the country as will be directly and inevitably brought about by this well-meant Government reform. It contains the germs of a revolution which will become grimly real long before the aim which the Premier set himself can possibly be accomplished. Doubtless the ship of state will at last find itself in the smooth waters of an ordered democracy, but not until it has weathered a terrific storm and lost some of its precious cargo in tempestuous seas.

While all Europe was filled with intense alarm and stockbrokers were panic-stricken at the prospect of a sanguinary struggle in the Balkans, public opinion in Russia was unresponsive,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

almost indifferent. Attention there was absorbed by matters of purely domestic significance; for as Russians remarked, "Servia is dear to us, but our own interests are still dearer—'a man's skin is nearer to him that his shirt.'" The subject that stirred them thus profoundly was the downright immorality of the secret detective system, certain revolutionary aspects of which had been unexpectedly revealed in connection with the arrest of an ex-director of the Police Department, M. Lopukhine. But that was only an outside view of the matter. Underlying the ethics of the system of espionage was the abiding opposition between the bulk of thinking Russia and the *régime*. The immorality of the police system was hardly more than a pretext for a vigorous assault on the Prime Minister and the scheme of policy which is associated with his name.

M. Lopukhine, a flexible, superficial, but mediocre, administrator, was apprehended on a charge of having had illegal dealings with the revolutionary party abroad, and of betraying to them information of importance which had come to his knowledge when he was head of the police. He had, for instance, told them that they were being grossly betrayed by one of their own leaders, a man who was regarded as the soul and the brain of the terrorist league, the prime mover of the little band of conspirators who were using the bomb, the dagger and the revolver with deadly effect. He proved to them that this man was not a revolutionist at all, but a regular police agent named Azeff, who had entered the party eighteen years ago, had taken service with the police at the same time, and had been in receipt of large sums of money from both sources ever since. The Government authorities prized that agent more than all the others put together, for he had, they affirmed, rendered them inestimable services. And now Azeff's helpful action was paralyzed forever, thanks to the criminal zeal of M. Lopukhine, whose conduct had previously on more than one occasion awakened grave misgivings in the minds of many. An ex-director of the Secret Department holding intelligence with the deadliest enemy of the State was himself an enemy of the State, people declared. Accordingly he was arrested and is now awaiting his trial.

The man, Azeff, whose double-dyed infamy was divulged by M. Lopukhine, was an engineer by profession, a libertine by nature, and a systematic destroyer of human life by choice. His

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

baseness and callousness, which knew no bounds, excite universal horror and disgust. He was capable of making the acquaintance of a revolutionist, nursing it till it became intimate friendship, and then sending his unsuspecting friend to the gallows or a dungeon. And in the motives for this odious treachery there was no trace of passion, conviction or sentiment bad or good. His cunning matched his unemotional wickedness. For nearly seventeen years he continued to render to the revolutionists services on which they set a high value, and in return for which they promoted him to be a member—the most influential member—of their executive council. And during the same period he had risen in the police force to a position of such importance that, contrary to wont, he had direct access to the chief of the police and was even consulted on critical occasions by the Assistant Minister of the Interior himself. One Minister expressed in terms of superlative praise his appreciation of Azeff's services, which the Government would still be receiving had not the ex-Director of the police revealed his rôle to the revolutionists.

Suspicions of Azeff's treason had been rife among some of his comrades long before this. These doubts had been aroused by direct but vague information which had come to the party from an assistant director of the Warsaw Police Department named Bakai, a man who had first bartered the revolutionary cause for that of the autocracy and then sold the secrets of the autocracy to the revolutionary party. But Bakai's sincerity was suspected from the outset. Moreover, he could only acquaint the revolutionists with the fact that they were being systematically betrayed. The name he gave them of the traitor was not Azeff, which he had never heard, but a pseudonym by which Azeff was known only to the police. The accused man was duly notified of the charges alleged against him. Raging violently against his accusers, he appealed to his proven zeal in the terrorist cause and his signal success, and so specious were his pleadings, so cogent his arguments, and so copious the evidence of his single-mindedness which he was able to adduce, that he emerged from under the passing cloud of suspicion more refulgent than before. But denunciations never wholly ceased, and the campaign of intrigues between himself and his fanatical comrade Burtseff was carried on fitfully. The matter was not clenched definitely until it had been referred to the ex-director of the police, Lopukhine, to whom Burtseff

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

made an appeal for help in the shape of evidence. Azeff sought to parry this deadly thrust by hastening secretly to the Russian capital, arranging an alibi in Berlin and then calling on Lopukhine and the present director of the Police Department. He requested Lopukhine to tell the terrorists that he had never been a detective agent, but Lopukhine, who had already supplied information to the revolutionary committee, brusquely declined to parley with his former underling. Then the present head of the Police Department, Gerassimoff, visited Lopukhine and besought him not to reveal Azeff's secret, which was also that of the Government, to the revolutionary committee. This request evoked a curt refusal. And shortly afterwards Lopukhine was arrested. Then the Duma moved in the matter, drafted an interpellation asking the Minister of the Interior to explain Azeff's rôle in the police, and drew from Stolypin a speech which convinced everybody of the Premier's good faith, but left the parties with the opinions and feelings they had entertained at the outset.

In the course of the debates some curious side-lights were thrown on the doings of the secret agents, but none of the sensational disclosures were made which the Opposition press had boastfully announced. Democratic orators contended that the whole system was essentially immoral and should be swept away at once, but their friends in the Legislature weakened the force of this statement by admitting that if they themselves were in power they would feel obliged to perpetuate it as an indispensable evil. All parties professed regret that it should be necessary to employ men whose qualifications for the service implied the negation of all morality, but each group implicitly shielded the traitors to the opposite cause. The Premier laid down the reasonable doctrine that a police agent who organizes a crime or abets a criminal, even though his intention be to thwart the nefarious plot, is himself an offender and should receive condign punishment. His adversaries replied that the principle was excellent, but that it had never been carried out. The secret police system and the crying abuses that flourish under its shadow are but surface manifestations of Russian political life. The undercurrent of national existence flows steadily on independent of them. And this strong, steady and invisible stream is silently undermining the groundwork of what are now to all appearance the most stable institutions of the Empire.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WASHINGTON, *March, 1909.*

PRESIDENT TAFT'S inaugural address began with recognizing not only a general responsibility to the Constitution and the country, but also a special obligation to the outgoing Administration. Recalling the fact that he had been one of the advisers of his predecessor, he added that he should be untrue to his personal promises and to the declarations of the platform of the party on which he had been elected if he did not make the maintenance and enforcement of his predecessor's reforms a most important feature of his own Administration. Those reforms had been directed to the suppression of the lawlessness and abuses of power of the great combinations of capital invested in railways or in industrial enterprises carrying on interstate commerce. To render those reforms lasting, however, and to assure, at the same time, freedom from alarm on the part of those pursuing proper and progressive business methods, it was necessary, in Mr. Taft's opinion, that further legislative and executive action should be taken. That is to say, there will be no resting on the oars, but it makes, nevertheless, a great difference with what energy and in what direction the oars are pulled. We shall have received light on those subjects before the first year of the new Administration shall have passed, and probably before the special session of Congress shall have come to an end. Mr. Taft seems to be looking both ways when he calls to mind that relief of the railroads from certain restrictions of the anti-trust law had been urged by his predecessor, and when he goes on to declare that it will be urged by him—yet, nevertheless, in the next sentence says that, on the other hand, the new Administration is pledged to legislation looking to a proper Federal supervision and restriction, to prevent excessive issues of bonds and stock by companies owning and operating interstate commerce railways. The hope was expressed by Mr. Taft that he should be able at the first regular session of the incoming Congress in December next to submit definite suggestions in respect to the needed amendments of the anti-trust and the interstate commerce laws, and the changes consequently required in the Executive departments concerned in their enforcement.

Although, out of deference to the stress laid on the regulation of Trusts by his predecessor, Mr. Taft gave to that topic the foremost place in his inaugural address, he quickly went on to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

say that the matter which would be of most pressing importance would be the revision of the tariff, and to that end he should call Congress into extra session on the 15th day of March, in order that consideration may be given at once to a bill revising the Dingley Act. The new bill, he explains, should aim, in the first place, to secure adequate remedies for acknowledged grievances, and, in the second place, so to adjust the duties as to afford to labor and all industries in this country, whether of the farm, mine or factory, such protection by tariff as shall be equal to the difference between the cost of production abroad and the cost of production here. Mr. Taft, also, lost no time in proclaiming himself an advocate of a provision which should put into force—upon the executive determination of certain facts—a higher or maximum tariff against those countries whose trade policy toward us shall equitably require such adverse discrimination. The opinion is expressed by the new President that there has been such a change in conditions since the enactment of the Dingley Act, itself based on a similarly discriminative principle, that the maximum and minimum expedient above described will *permit* the reduction of rates in certain schedules, while it will imperatively require the advancement of few rates, if any.

Mr. Roosevelt himself was no more convinced than is Mr. Taft of the necessity of preparing betimes for war, in order to make sure of the maintenance of peace. We should have, the new President declares, an army so organized and so officered as to be capable in time of emergency of expanding rapidly—in cooperation with the national militia, and under the provisions of a proper national volunteer law—into a force sufficient to resist all probable invasion from abroad, and of furnishing a respectable expeditionary force, if necessary, to uphold our traditional American policy, which bears the name of President Monroe. Mr. Taft reiterates the warning uttered by many a preceding Chief Magistrate since Samuel J. Tilden, the warning, namely, that our coast fortifications are as yet in a state of only partial completeness, and that the number of soldiers to man them is insufficient. He sees much improvement in the recent past, however, and hopes for more in the immediate future.

What Mr. Taft says of the army he would reaffirm in an even more emphatic way of the navy. It is patent, on the face of things, that a modern navy cannot be improvised. It must have

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

been constructed and be in existence, if not actually in commission, when the emergency arises which calls for its use and operation. Mr. Taft, in his inaugural message, reiterated all the reasons which, from time to time, have been given by Mr. Roosevelt in favor of the policy of maintaining a strong navy considered as the best conservator of peace with other nations, and as the best means of securing respect for the assertion of our rights.

The new President is as firmly convinced as was the old that the promotion of a great navy is not conducive—as it is sometimes charged with being—to the development of a warlike spirit. The record of the international policy followed by us at periods when we have possessed considerable sea power shows that we have refrained from no effort consistent with national honor to avoid a resort to arms. We have favored every instrumentality exemplified in The Hague Tribunal, and in arbitration treaties negotiated with an eye to using them in all international controversies for the purpose of preserving peace and averting war. Mr. Taft points out, however, that we should be blind to existing conditions, and should allow ourselves to become foolish idealists if we did not realize that, with all the other nations of the world armed and prepared for war, we must keep ourselves in a similar condition, in order to prevent other nations from taking advantage of us; of our inability to defend our own interests, and to make good our rights with the strong hand.

There are few features of the inaugural message more deserving of careful attention than Mr. Taft's earnest reference to the fact that the admission of such Asiatic immigrants as cannot be amalgamated with our population has been made the subject either of prohibitory clauses in our treaties and statutes or of strict administrative regulation secured by diplomatic negotiation. A hope is expressed that we may continue to minimize the evils likely to arise from such immigration, by averting unnecessary friction, and by mutual concessions between self-respecting governments. Hope is well enough, but meanwhile Mr. Taft recognizes that it is our duty to take every precaution to prevent —and such prevention failing—to punish outbursts of local or race feeling among our people against foreigners of whatever nationality who possess by solemn grant from us treaty rights to pursue lawful business within our borders, and to be protected against lawless assault or injury.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The new President is led by special professional experience to discuss the matter from a judicial point of view, and to point out a serious defect in the present Federal jurisdiction, which ought, in his opinion, to be remedied forthwith. Having promised to other countries by the solemn assurance of treaties the vigilant and effective protection of our laws, to such of their subjects or citizens as we permit to come within our jurisdiction, we now, as a matter of fact, leave to a State or a city, uncontrolled by the Federal Government, the duty of performing our international obligations in this vital respect. It is President Taft's conviction that we may, and ought to, place in the hands of the Federal Executive a means of enforcing the treaty rights of such aliens through the courts of the Federal Government. It puts, he declares, our national Administration in a pusillanimous position to enter into definite engagements to protect aliens and then excuse the failure to fulfil such engagements on the pretext that the duty to keep them is imposed by our domestic law upon States or cities, and does not constitutionally lie within Federal control. If that hitherto has been the fact under the Constitution, it should at once cease to be one.

In that part of the inaugural message which is concerned with recommended changes in our currency laws, attention is directed to the fact that extensive investigations have been undertaken at home and abroad by the International Monetary Commission, with the purpose of giving full consideration to existing conditions and to all suggested remedies. The wish is expressed that no local or historical prejudice will prevent Congress from profiting by the outcome of such wide researches; but meanwhile the incoming Federal Legislature is reminded of the duty of fulfilling promptly a definite promise of the Republican platform by passing a proper postal savings-bank bill. President Taft denies that such a measure would be chargeable with unwise or excessive paternalism. He insists, on the contrary, that the promise of the Federal Government to repay savings deposits will furnish an inducement for making deposits which no private enterprise could supply. Such a measure, says the President, will offer the absolute security which makes the proposed scheme of Government guarantee of deposits at once alluring and free from the danger of pernicious results.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE EDITOR'S DIARY.

More about "Yankee Doodle."

THE origin of "Yankee Doodle" and the specific meaning of its quaint and antique phrases seem to form a subject of wide and constant interest to a great number of people in all parts of this country. Since we discussed that subject at some length in the Diary, we have been favored with many communications regarding it from interested readers. The following letter, which comes from a student of history who resides in Los Angeles, California, contains some ingenious suggestions:

"SIR,—I have read your 'Yankee Doodle' article in THE NORTH AMERICAN REVIEW. It covers ground over which I travelled painstakingly, painfully and particularly while I was digging out a few old and forgotten facts regarding various passages of history. I am satisfied—am certain—that Yankee is a corruption of the word English. However, it is not a straight corruption. It came by way of French. *Les Anglais*, said the French, during the French-Indian War, the conquest of Canada, etc. *Les Yangais*, said the Indians. Yankee is a comparatively modern spelling. During the War of 1812 the word was still being spelled Yankie.

"In your quotation of the old cavalier jingle, 'Nankey Doodle,' which is meaningless, should be 'Nunkey or Nunkie Doodle'—*i.e.*, 'Uncle Doodle,' 'Old Noll Cromwell,' 'Nunkie Noll.' The last two lines of the quatrain beginning 'Nunkie Doodle came to town' should be,

"'Stuck a feather in his cap
And called out "Macaroni."'

"The 'feather in the cap' was one of the marks of the cavalier. We still use the expression, 'That will be a feather in your cap.' 'Macaroni,' until the eighteenth century, was the English equivalent of 'dude,' 'swell,' 'toff,' etc. Uncle Doodle came to town mounted like a cavalier, but only on a ridiculous little pony. He stuck a cavalier feather in his Puritan hat and called out, 'I am the big swell. I am IT.'

"I am, sir, etc.,

"DAVID A. BAILLIE."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Of the "Typical" American Woman.

THE following comes from Orchard Lake, Livingston Manor, New York:

"SIR,—Judging from your talks about women, you will surely be able to answer a question about the ideal heroine in modern fiction. In following up an article by Mrs. Ward in the 'Federation Bulletin' on the *Eternal Womanly*, I wanted to speak of the development of the ideal heroine from the time of the author of 'Queechy' to the heroine of, —and here I was obliged to substitute 'Marcella,' not being able to recall a heroine that represented the intelligent, cultured, conscientious club-woman of to-day. It is the typical American woman I am speaking of, but I could not recall her in fiction. *Why is that?*"

You could not recall her because she does not exist. There is no "typical American woman" in recent fiction. The composite indicated by the phrase would be a strange product if by any synthesis it could be produced. It is *individual*, not *typical*, character that our best novelists, like Howells and Mrs. Deland, create.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED